

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

AGENDA

JUNE 1, 2010

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- 10-R-0963 (1) Claim of **Frances M. Wood**, for property damages alleged to have been sustained when driveway and sidewalk was broken due to a tree limb falling from a tree in the City's right of way on April 22, 2009 at 34 Palisades Road, NE. **\$9,029.80**
- 10-R-0964 (2) Claim of **Federal Bureau of Investigation**, for vehicle damages alleged to have been sustained as a result of a vehicular accident on August 17, 2008 at Ralph McGill Boulevard at Piedmont Avenue. **\$8,289.49**
- 10-R-0965 (3) Claim of **Hanover Insurance Company, as subrogee or Mark Cooley**, for vehicular damages alleged to have been sustained when a parked vehicle was struck by rocks and other flying debris from a tractor mower on July 28, 2009 at 1775 Aviation Boulevard. **\$7,749.84**
- 10-R-0966 (4) Claim of **Brent and Lelia Brougher**, for damages alleged to have been sustained as a result of a water main leak on April 8, 2009 at 3475 Valley Road. **\$7,389.35**
- 10-R-0967 (5) Claim of **Caprice Holt, through her attorney, Gregory S. Shurman, LLC**, for bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive and McDaniel Street. **\$7,000.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0968 (6) Claim of **Caprice Holt, on behalf of her minor child, Lakedra Holt, through her attorney, Gregory S. Shurman, LLC and Healthcare Recoveries**, for bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive and McDaniel Street.
\$6,200.00
and
\$207.83
- 10-R-0969 (7) Claim of **State Farm Insurance Companies, as subrogee of Richard A. Boren**, for damages alleged to have been sustained as a result of an automobile accident on January 8, 2010 at 541 Seal Place.
\$5,179.77
- 10-R-0970 (8) Claim of **Julius Speed, through his attorney, Jeffrey S. Kowalski**, for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.
\$5,000.00
- 10-R-0971 (9) Claim of **Chanqueata Pitts, through her attorney, Jeffrey S. Kowalski**, for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.
\$5,000.00
- 10-R-0972 (10) Claim of **Paula Pitts, through her attorney, Jeffrey S. Kowalski**, for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.
\$5,000.00
- 10-R-0973 (11) Claim of **Rena Bradford, through her attorney, Sheryl Burke**, for damages alleged to have been sustained as a result of walking on a recessed water meter on January 1, 2009 at 2600 Donald Lee Hollowell Parkway.
\$4,500.00

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0974 (12) Claim of **Ned Smith, through his attorney, Sheryl Burke**, for damages alleged to have been sustained as a result of rolling over a recessed water meter in his wheelchair on January 3, 2009 at 2600 Donald Lee Hollowell Parkway. **\$4,000.00**
- 10-R-0975 (13) Claim of **Christine Malone, through her attorney, L. Chris Stewart**, for vehicle damages alleged to have been sustained as a result of a sidewalk defect on August 26, 2008 at 191 Peachtree Street. **\$3,800.00**
- 10-R-0976 (14) Claim of **Samuel A. Tutuwan**, for property damages alleged to have been sustained from an automobile accident on September 23, 2009 at Moreland Avenue, SE and Custer Avenue, SE. **\$3,753.98**
- 10-R-0977 (15) Claim of **Brenda Ann Stewart**, for damages alleged to have been sustained as a result of an automobile accident on October 26, 2009 at South Central Avenue and Atlanta Avenue, Hapeville. **\$3,200.00**
- 10-R-0978 (16) Claim of **Mae H. Battle**, for property damages alleged to have been sustained from a sanitary sewer backup on February 3, 2010 at 1464 Sharon Street, NW. **\$3,149.25**
- 10-R-0979 (17) Claim of **Smith M. Boddie**, for damages alleged to have been sustained as a result of striking a pothole on November 7, 2009 at 3065 Brownsmill Road. **\$2,869.21**
- 10-R-0980 (18) Claim of **Engineer's Bookstore, Inc.**, for damages alleged to have been sustained as a result of flooding during the installation of a data recorder on a fire hydrant on March 11, 2010 at 748 Marietta Street, NW. **\$2,689.98**
- 10-R-0981 (19) Claim of **Kim M. Lucas**, for damages alleged to have been sustained as a result of striking a pothole on February 25, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW. **\$2,357.03**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0982 (20) Claim of **GEICO, as subrogee of Dave A. Davis**, for damages alleged to have been sustained as a result of an automobile accident on January 30, 2010 at Wells Street, SW and Ralph David Abernathy Boulevard, SW. **\$2,144.10**
- 10-R-0983 (21) Claim of **Keisha Temple, through her attorney, the Mabra Firm, LLC**, for bodily injuries alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE and Boulevard SE. **\$2,100.00**
- 10-R-0984 (22) Claim of **Tiara S. Hart**, for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW. **\$1,508.34**
- 10-R-0985 (23) Claim of **Terrence Arnold**, for vehicular damages alleged to have been sustained from an automobile accident on April 1, 2010 at 1935 Alison Court. **\$1,310.01**
- 10-R-0986 (24) Claim of **Marilyn Langston Jackson**, for vehicular damages alleged to have been sustained after driving over a sanitary sewer sinkhole in December 2009 at 1399 Northwest Avenue, NW. **\$1,763.00**
- 10-R-0987 (25) Claim of **Laura and Luke Graham**, for vehicular damages alleged to have been sustained after driving over a sanitary sewer construction site that was left open and in an unsafe condition on November 1, 2009 at 2020 Peachtree Road, NE. **\$1,152.95**
- 10-R-0988 (26) Claim of **AT&T**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water meter on November 6, 2009 at 201 Fisk Drive. **\$1,107.87**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0989 (27) Claim of **K. Michelle Martin**, for damages alleged to have been sustained as a result of a trip and fall on a damaged water meter lid on May 18, 2009 at 409 Temple Street.
\$1,000.00
- 10-R-0990 (28) Claim of **Wilbur Shepherd and Valt Trust**, for damages alleged to have been sustained as a result of striking a pothole on March 14, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW.
\$818.20
- 10-R-0991 (29) Claim of **Ramon Creese**, for vehicular damages alleged to have been sustained from driving over a pothole on February 23, 2010 at Piedmont Avenue, NE and Decatur Street, NE.
\$750.90
- 10-R-0992 (30) Claim of **Ryan Chura**, for vehicular damages alleged to have been sustained from driving over a pothole on March 24, 2010 at 1001 Piedmont Avenue, NE and 10th Street, NE.
\$702.41
- 10-R-0993 (31) Claim of **Sophia Patten-Lee**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on August 1, 2009 at North Camp Creek Parkway at Stone Hogan Connector.
\$588.74
- 10-R-0994 (32) Claim of **Deshun and Harvey Gay**, for vehicular damages alleged to have been sustained as a result of driving over a pothole on March 5, 2010 at 369 McDaniel Street.
\$550.00

Claims with unfavorable recommendations:

- 10-R-0995 (33) Claim of **Keisha Temple, on behalf of her minor child, Zoey Nelson, through their attorney, The Mabra Firm, LLC**, for bodily injuries alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE and Boulevard, SE.'

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0996 (34) Claim of **Dhruvin Patel**, for vehicular damages alleged to have been sustained due to a pothole in the road on November 7, 2009 at Spring Street and 12th Street.
- 10-R-0997 (35) Claim of **Arielle Pool**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 2, 2010 at Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-0998 (36) Claim of **John Quesenberry**, for vehicular damages alleged to have been sustained after driving over a construction metal plate that was left in an unsafe manner on October 24, 2009 at Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-0999 (37) Claim of **Prentice Johnson**, for vehicular damages alleged to have been sustained after driving over a construction metal plate that was left in an unsafe manner on February 23, 2010 at Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-1000 (38) Claim of **Alyce Jackson**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 3, 2010 at Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-1001 (39) Claim of **Jule McReynolds, Jr.**, for damages alleged to have been sustained as a result of the repair of a water meter on November 30, 2009 at 4682 Derby Loop.
- 10-R-1002 (40) Claim of **Alison Comer, through her attorney, Brian R. Smith**, for damages alleged to have been sustained as a result of a trip and fall on an uncovered storm sewer manhole on November 25, 2008 at Brandon Mill Road and Morgan Falls Road in Sandy Springs.
- 10-R-1003 (41) Claim of **Dwight Jones**, for damages alleged to have been sustained as a result of driving over a construction cut on January 23, 2010 at 563 Spring Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1004 (42) Claim of **Gladys Mayes, through her attorney, Donald Ellis**, for damages alleged to have been sustained as a result of an automobile accident on March 17, 2010 at Dill Avenue and Desoto Avenue.
- 10-R-1005 (43) Claim of **Clayton County Board of Commissioners, Risk Management Division**, for damages alleged to have been sustained as a result of an automobile accident on February 19, 2010 at SR 3 and Blalock Street, Clayton County.
- 10-R-1006 (44) Claim of **Benjamin G. Allen**, for damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 30, 2010 on Kimberly Avenue, SW and Cascade Road, SW.
- 10-R-1007 (45) Claim of **Lakisha Lashon Smith**, for damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 30, 2010 on Kimberly Avenue, SW.
- 10-R-1008 (46) Claim of **Quinton Pierce**, for damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 25, 2010 at Stanton Road, SW and Campbellton Road, SW.
- 10-R-1009 (47) Claim of **Andrea Scott, through her attorney, John S. Morgan, Esq.**, for damages alleged to have been sustained from an assault on February 6, 209 at an unspecified location.
- 10-R-1010 (48) Claim of **Mary C. Simmons**, for damages alleged to have been sustained when a tree log struck a mailbox during a tree removal project on March 22, 2010 at 2201 Belvedere Avenue, SW.
- 10-R-1011 (49) Claim of **Delonza Fitzgerald**, for damages alleged to have been sustained as a result of an arrest and vehicle impound on October 6, 2009 at 3656 Ruby Harper Boulevard.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1012 (50) Claim of **Ann-Marie Dixon**, for damages alleged to have been sustained from errors made on an Atlanta Police automobile accident report on August 16, 2009 at Interstate 75/85 and Interstate 20 interchange.
- 10-R-1013 (51) Claim of **Willie Mae Glenn**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on a sidewalk on January 14, 2010 at Memorial Drive and Hill Street.
- 10-R-1014 (52) Claim of **Anita Brewster**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1015 (53) Claim of **Alfreda Shufford**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 15, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1016 (54) Claim of **Orlia L. Sharpe**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1017 (55) Claim of **Wyvonia Luttrell**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 16, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1018 (56) Claim of **Jermaine Parker, through his attorney, James Lee Ford, PC**, for damages alleged to have been sustained from a false arrest incident on May 30, 2009 at Westview Drive, SW and Langhorn Avenue, SW.
- 10-R-1019 (57) Claim of **Susanne R. Peterfield**, for property damages alleged to have been sustained from a sewer backup on September 20, 21, 2009 at 588 Oakdale Road, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1020 (58) Claim of **AT&T**, for damages alleged to have been sustained as a result of a damaged cable during the installation of a water line on August 25, 2009 at 2694 Fair Oaks Drive, DeKalb County.
- 10-R-1021 (59) Claim of **Columbia Insurance Group, as subrogee of Architectural Brass**, for damages alleged to have been sustained as a result of a tree falling on May 6, 2009 at 1130 Donald L. Hollowell Parkway.
- 10-R-1022 (60) Claim of **Bradley M. Cooke**, for damages alleged to have been sustained as a result of a sewer backup on March 20, 2010 at 904 Rosedale Road, NE.
- 10-R-01023 (61) Claim of **James Whitmire, through his attorney, Don English, Esq., Southern States Police Benevolent Association, Inc.**, for damages alleged to have been sustained when monies received from approved off-duty employment were deducted from City payroll checks from April 10, 2009 through July 7, 2009 at 675 Ponce de Leon Avenue, NE.
- 10-R-1024 (62) Claim of **Christine Daniel, through her attorney, Peter K. Odom, Esq., Odom Law Firm**, for damages alleged to have been sustained from an arrest and detention incident from July 17-19, 2009 at 675 Ponce de Leon Avenue, NE.
- 10-R-1025 (63) Claim of **Outdoor Management Company**, for damages alleged to have been sustained as a result of an automobile accident on August 26, 2009 at 3820 Cascade Road.
- 10-R-1026 (64) Claim of **Willie Junior Pinson**, for damages alleged to have been sustained from an apprehension incident by Police on August 26, 2009 at 520 Boulevard, NE.
- 10-R-1027 (65) Claim of **Michael Carter**, for damages alleged to have been sustained as a result of a vehicular incident on June 1, 2009 at 32 Harlan Road.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1028 (66) Claim of **Georgia Administrative Services, as subrogee of Clayton County Board of Education**, for damages alleged to have been sustained as a result of a trip and fall on a sidewalk on September 10, 2008 at 135 Auburn Avenue.
- 10-R-1029 (67) Claim of **Juan Hargrove, through his attorney, Mawuli Davis**, for damages alleged to have been sustained as a result of an arrest and false imprisonment on November 2, 2007 through April 24, 2009 at 28 Gould Street.
- 10-R-1030 (68) Claim of **Willie H. Brown**, for damages alleged to have been sustained as a result of the loss of a vending location on February 15, 2002 at 521 Hank Aaron Boulevard.
- 10-R-1031 (69) Claim of **Jean Marie Harrison**, for damages alleged to have been sustained as a result of driving over a catch basin grate on December 11, 2009 at 3227 Roswell Road.
- 10-R-1032 (70) Claim of **Ezra B. Jones, III, Esquire, through his attorney, Howell A. Hall**, for damages alleged to have been sustained as a result of a water account dispute beginning August 2008 at 305 Crosstree Lane.
- 10-R-1033 (71) Claim of **Alexander Sutton**, for damages alleged to have been sustained as a result of driving over a pothole on January 19, 2010 at Andrews Drive and West Paces Ferry Road.
- 10-R-1034 (72) Claim of **The Estate of Jasmine Zachery, et al., through its attorney, Michael Deming, Esq., Deming, Parker, Hoffman, Campbell & Daly, LLC**, for bodily injuries alleged to have been sustained from a wrongful death incident resulting from an improperly marked entrance ramp on December 8, 2009 at Interstate 75 in Hapeville.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1035 (73) Claim of **Pradeep Upadhyaya**, for property damages alleged to have been sustained when a parked vehicle was struck by fallen insulation debris on February 25, 2010 at Hartsfield-Jackson International Airport, 6000 S. Terminal Parkway.
- 10-R-1036 (74) Claim of **Valeria C. Eberhart**, for damages alleged to have been sustained as a result of a sewer backup on April 15, 2009 at 1455 Helen Lane.

D. ORDINANCE FOR FIRST READING

- 10-O-0952 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article II, Division 2, Section 98-63 and 98-64; Chapter 114, Article IV, Division I, Section 114-79; Chapter 114, Article IV, Division 7, Subdivision II, Sections 114-229 and 114-230; Chapter 114, Article VI, Division I, Sections 114-502; and Chapter 114 Article VI, Division 3, Sections 114-546 and 114-553, so as to change the nondiscretionary rank of Police Captain to a discretionary rank; to repeal conflicting ordinances; and for other purposes.

REGULAR

E. PUBLIC HEARING - ORDINANCE FOR SECOND READING

- 10-O-0729 (1) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending Chapter 78, Article III, Section 78-57, Subsection (b), of the Code of Ordinances of the City of Atlanta, on behalf of the City of Atlanta Fire Rescue Department, for the purpose of increasing existing Fire Inspection Fees, Fire Plan Review Fees and Fire Permit Fees; and for other purposes. **(Advertised for a Public Hearing 6/1/10) (Substituted and held 5/11/10)**

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F. RESOLUTIONS

- 10-R-0839 (1) Claim of **Michael Hopkins**, for damages alleged to have been sustained as a result of a fire hydrant leak on September 28, 2009 at 395 Mt. Zion Road.
- 10-R-0954 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Westrex Corporation v. City of Atlanta, Civil Action File No. 2009-CV-164800, Fulton County Superior Court, in the amount of \$2,500,000.00; authorizing said payment to be paid from Fund, Account and Center Number listed; authorizing the Chief Financial Officer to Distribute the settlement amount; and for other purposes.
- 10-R-0955 (3) A Resolution by Public Safety and Legal Administration Committee amending Resolution Number 10-R-0535 so as to correct the amount of damages contained in said resolution from \$3,500.00 to \$1,840.58 in settlement on the claim of Yvette Dennis against the City of Atlanta; and for other purposes.
- 10-R-0956 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Chief Procurement Officer to utilize Georgia State Contract #SWC-30747, to purchase Self-Contained-Breathing-Apparatus ("SCBA") and associated air-supply cylinders, on behalf of the Department of Police ("Department"), in an amount not to exceed \$92,430. All costs shall be charged to and paid from a grant from the United States Department of Homeland Security listed; and for other purposes.
- 10-R-1037 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Magnus Aburime v. City of Atlanta, Civil Action File No. 2009CV168243, in the amount of \$23,750.00; authorizing said payment to be charged to and paid from authorizing the Chief Financial Officer to Fund, Account and Center Number listed; Distribute the settlement amount; and for other purposes.

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G. PAPERS HELD IN COMMITTEE

- 10-R-0132 (1) A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussion.)**
- 10-R-0137 (2) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (3) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (4) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

Public Safety and Legal Administration Committee Agenda
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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-0727 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$155,456.00; all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. **(Held 4/27/10 for a Work Session)**
- 10-O-0728 (6) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-O-0780 (7) An Ordinance by Councilmember Kwanza Hall to amend Chapter 10, Article II, Division 2, Section 10-94 of the City of Atlanta Code of Ordinances to provide an exemption from distance requirements for certain establishments licensed to sell alcoholic beverages on property registered on the National Register of Historic Places when such establishments meet other requirements; to waive the provisions of Chapter 10, Article II, Division 2, Section 10-66 (B) as such provisions apply to the renovation of an establishment on property registered on the National Register of Historic Places; and for other purposes. **(Held 4/27/10 at the request of the author.)**
- 10-R-0855 (8) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

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H. EXECUTIVE SESSION

Quarterly Litigation and Claims Report - Jerry Deloach.

I. REQUESTED AND FOLLOW-UP ITEMS

1. Councilmember Young and the Committee will schedule work sessions addressing the following issues:
 - a. Police Zone and Beat Realignment (date and time TBD)
Note: Pursuant to Resolution 10-R-0134, the Police Department was requested to develop and submit to the Mayor and Council, a zone and beat redesign plan by July 31, 2010.

J. ITEM NOT ON THE AGENDA

K. COMMENTS FROM THE PUBLIC

L. ADJOURNMENT

CLAIM OF: **FRANCES M. WOOD**
34 Palisades Road, NE
Atlanta, Georgia 30309

For property damages alleged to have been sustained when driveway and sidewalk was broken due to a tree limb falling from a tree in the City's right-of-way on April 22, 2009 at 34 Palisades Road, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **FRANCES M. WOOD** the sum of **\$9,029.80** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when driveway and sidewalk was broken due to a tree limb falling from a tree in the City's right-of-way on April 22, 2009 at 34 Palisades Road, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 6/8/09 - sb
CL - 09L0418 - ANGELENA KELLY

10- R -0964

CLAIM OF: Federal Bureau of Investigation
Attn: Legal Unit
2635 Century Parkway, Suite 400
Atlanta, GA 30345

For vehicle damages alleged to have been sustained as a result of a vehicular accident on August 17, 2008 at Ralph McGill Boulevard at Piedmont Avenue.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Federal Bureau of Investigation** the sum of **\$8,289.49** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on August 17, 2008 at Ralph McGill Boulevard at Piedmont Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-2

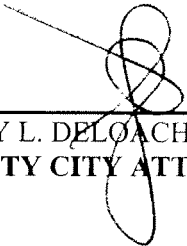
**CLAIM OF: HANOVER INSURANCE COMPANY
AS SUBROGEE OF MARK COOLEY**
Subrogation Unit
P.O. Box 15149
Worcester, MA 01615-0149

For vehicular damages alleged to have been sustained when a parked vehicle was struck by rocks and other flying debris from a tractor mower on July 28, 2009 at 1775 Aviation Boulevard.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **HANOVER INSURANCE COMPANY AS SUBROGEE OF MARK COOLEY** the sum of **\$7,749.84** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained when a parked vehicle was struck by rocks and other flying debris from a tractor mower on July 28, 2009 at 1775 Aviation Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account **5501.200301.5750002.1540000**.

APPROVED: PETER J. ANDREWS
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-B

CLAIM OF: **BRENT AND LELIA BROUGHER**
3475 Valley Road
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of a water main leak on April 8, 2009 at 3475 Valley Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **BRENT AND LELIA BROUGHER** the sum of **\$7,389.35** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a water main leak on April 8, 2009 at 3475 Valley Road as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY


CLAIM OF: **CAPRICE HOLT,
THROUGH HER ATTORNEY
GREGORY S. SHURMAN, LLC**
1797 Northeast Expressway
Suite 185
Atlanta, Georgia 30329

For bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive & McDaniel Street.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **CAPRICE HOLT THROUGH HER ATTORNEY, GREGORY S. SHURMAN, LLC** the sum of **\$7,000.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive & McDaniel Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS
ACTING CITY ATTORNEY**

BY: 

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

CLAIM OF: **CAPRICE HOLT, ON BEHALF
OF HER MINOR CHILD,
LAKEDRA HOLT,
THROUGH HER ATTORNEY
GREGORY S. SHURMAN, LLC
AND HEALTHCARE RECOVERIES**
1797 Northeast Expressway
Suite 185
Atlanta, Georgia 30329

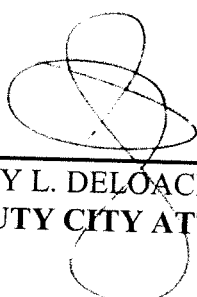
10- R -0968

For bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive & McDaniel Street

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **CAPRICE HOLT, ON BEHALF OF HER MINOR CHILD, LAKEDRA HOLT, THROUGH HER ATTORNEY, GREGORY S. SHURMAN, LLC** the sum of **\$6,200.00** AND **HEALTHCARE RECOVERIES** the sum of **\$207.83** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive & McDaniel Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-6

Entered - 04/16/10 - sb
CL 10L0352 - LISA CARTER

10- R-0969


CLAIM OF: **STATE FARM INSURANCE COMPANIES,**
as subrogee of
Richard A. Boren
P.O. Box 2371
Bloomington, IL 61702

For damages alleged to have been sustained as a result of an automobile accident on January 8, 2010 at 541 Seal Place.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **STATE FARM INSURANCE COMPANIES, as subrogee of Richard A. Boren** the sum of **\$5,179.77** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on January 8, 2010 at 541 Seal Place as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 07/10/09 - sb
CL 09L0492 - LISA CARTER

10- R -0970

CLAIM OF: **JULIUS SPEED**
through his attorney,
Jeffrey S. Kowalski
17 Executive Park Drive, Suite300
Atlanta, Georgia 30329

For damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **JULIUS SPEED, through his attorney Jeffrey S. Kowalski** the sum of **\$5,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C8

Entered - 07/10/09 - sb
CL 09L0494 - LISA CARTER

10- R -0971

CLAIM OF: **CHANQUEATA PITTS**
through her attorney,
Jeffrey S. Kowalski
17 Executive Park Drive, Suite300
Atlanta, Georgia 30329

For damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **CHANQUEATA PITTS, through her attorney Jeffrey S. Kowalski** the sum of **\$5,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-9

10- R -0972

CLAIM OF: **PAULA PITTS**
through her attorney,
Jeffrey S. Kowalski
17 Executive Park Drive, Suite300
Atlanta, Georgia 30329

For damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **PAULA PITTS, through her attorney Jeffrey S. Kowalski** the sum of **\$5,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on April 29, 2009 at Pryor Road and University Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-10

Entered - 6/8/09 - sb
CL - 09L0417 - ANGELENA KELLY

10- R -0973

CLAIM OF: Rena Bradford
Through her attorney Sheryl Burke
3340 Peachtree Road, Suite 1940
Atlanta, GA 30326

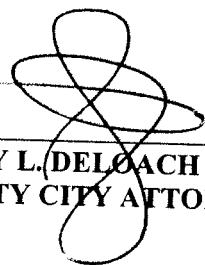
For damages alleged to have been sustained as a result of walking on a recessed water meter on January 1, 2009 at 2600 Donald Lee Hollowell Parkway.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Rena Bradford through her attorney Sheryl Burke** the sum of **\$4,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of walking on a recessed water meter on January 1, 2009 at 2600 Donald Lee Hollowell Parkway as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Ctl

Entered - 6/8/09 - sb
CL - 09L0416 - ANGELENA KELLY

CLAIM OF: Ned Smith
Through his attorney Sheryl Burke
3340 Peachtree Road, Suite 1940
Atlanta, GA 30326

For damages alleged to have been sustained as a result of rolling over a recessed water meter in his wheelchair on January 3, 2009 at 2600 Donald Lee Hollowell Parkway.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Ned Smith through his attorney Sheryl Burke** the sum of **\$4,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of rolling over a recessed water meter in his wheelchair on January 3, 2009 at 2600 Donald Lee Hollowell Parkway as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-12

Entered - 10/6/08 - sb
CL - 08L0870 - ANGELENA KELLY

10- R -0975

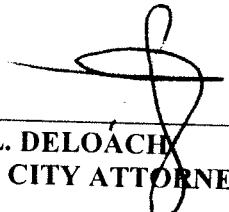
CLAIM OF: **Christine Malone**
Through her attorney **L. Chris Stewart**
191 Peachtree Street, Suite 4200
Atlanta, GA 30303

For vehicle damages alleged to have been sustained as a result of a sidewalk defect on August 26, 2008 at 191 Peachtree Street.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Christine Malone through her attorney L. Chris Stewart** the sum of **\$3,800.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sidewalk defect on August 26, 2008 at 191 Peachtree Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-13

Entered - 2-2-10 sb
CL 09L1027 - GWENDOLYN BURNS

CLAIM OF: **SAMUEL A. TUTUWAN**
252 Cranesbill Way
Locust Grove, Georgia 30248

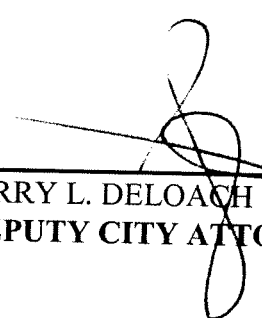
10- R -0976

For property damages alleged to have been sustained from an automobile accident on September 23, 2009 at Moreland Avenue, SE & Custer Avenue, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SAMUEL A. TUTUWAN** the sum of **\$3,753.98** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from an automobile accident on September 23, 2009 at Moreland Avenue, SE & Custer Avenue, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-14

Entered - 02/12/2010 - sb
CL 10L0127 - LISA CARTER

CLAIM OF: **BRENDA ANN STEWART**
4358 Greenwillow Way
Conley, Georgia 30288

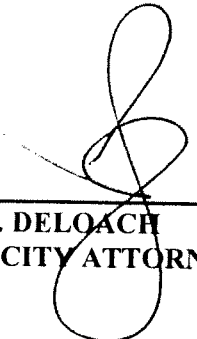
10- R -0977

For damages alleged to have been sustained as a result of an automobile accident on October 26, 2009 at South Central Avenue and Atlanta Avenue, Hapeville.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **BRENDA ANN STEWART** the sum of **\$3,200.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on October 26, 2009 at South Central Avenue and Atlanta Avenue, Hapeville as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-15

Entered - 4-1-10 sb
CL 10L0303 - GWENDOLYN BURNS

CLAIM OF: **MAE H. BATTLE**
4950 Muirwood Drive
Powder Springs, Georgia 30127

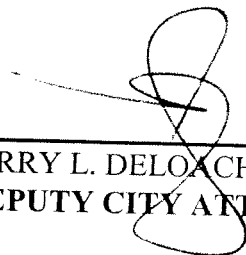
10- R -0978

For property damages alleged to have been sustained from a
sanitary sewer backup on February 3, 2010 at 1464 Sharon
Street, NW

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta
that action of the Department of Law be approved in
authorizing payment to **MAE H. BATTLE** the sum of
\$3,149.25 as full and final settlement and satisfaction of all
claims, past, present and future, of every kind and character
for property damages alleged to have been sustained from a
sanitary sewer backup on February 3, 2010 at 1464 Sharon
Street, NW as is more particularly set forth in the within
claim; said sum taken from and charged to account
5051/170201/5750002/4310000.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-16

Entered - 03/15/10 - sb
CL 10L0237 - LISA CARTER

CLAIM OF: **SMITH M. BODDIE**
P.O. Box 77243
Atlanta, Georgia 30357

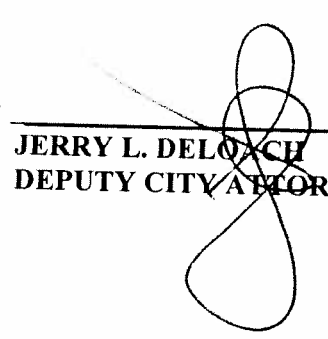
10- R -0979

For damages alleged to have been sustained as a result of striking a pothole on November 7, 2009 at 3065 Brownsmill Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SMITH M. BODDIE** the sum of **\$2,869.21** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a pothole on November 7, 2009 at 3065 Brownsmill Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-17

Entered -- 04/06/10 - sb
CL 10L0323 -- LISA CARTER

CLAIM OF: **ENGINEER'S BOOKSTORE, INC.**
748 Marietta Street, NW
Atlanta, Georgia 30318

10- R -0980

For damages alleged to have been sustained as a result flooding during the installation of a data recorder on a fire hydrant on March 11, 2010 at 748 Marietta Street, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **ENGINEER'S BOOKSTORE, INC.** the sum of **\$2,689.98** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result flooding during the installation of a data recorder on a fire hydrant on March 11, 2010 at 748 Marietta Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-18

Entered - 03/22/10 - sb
CL 10L0266 - LISA CARTER

10- R -0981


CLAIM OF: **KIM M. LUCAS**
P.O. Box 77902
Atlanta, Georgia 30357

For damages alleged to have been sustained as a result of striking a pothole on February 25, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **KIM M. LUCAS** the sum of **\$2,357.03** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a pothole on February 25, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-19

Entered - 03/29/10 - sb
CL 10L0295 - LISA CARTER

CLAIM OF: **GEICO, as subrogee of
Dave A. Davis
4295 Ocmulgee East Boulevard
Macon, Georgia 31295**

10-R -0982

For damages alleged to have been sustained as a result of an automobile accident on January 30, 2010 at Wells Street, SW and Ralph David Abernathy Boulevard, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **GEICO, as subrogee of Dave A. Davis** the sum of **\$2,144.10** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on January 30, 2010 at Wells Street, SW and Ralph David Abernathy Boulevard, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-70

Entered - 1-8-10 sb
CL 10L0005 - GWENDOLYN BURNS

CLAIM OF: **KEISHA TEMPLE, THROUGH
HER ATTORNEY,
THE MABRA FIRM, LLC
3830 Princeton Lakes Court
Suite 600
Atlanta, Georgia 30331**


10- R-0983

For bodily injuries alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE & Boulevard, SE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **KEISHA TEMPLE, THROUGH HER ATTORNEY, THE MABRA FIRM, LLC** the sum of **\$2,100.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE & Boulevard, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**

APPROVED: **PETER J. ANDREWS
ACTING CITY ATTORNEY**

BY: 

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-21

Entered - 03/15/10 - sb
CL 10L0238 - LISA CARTER

CLAIM OF: **TIARA S. HART**
2500 Center Street #C321
Atlanta, Georgia 30318

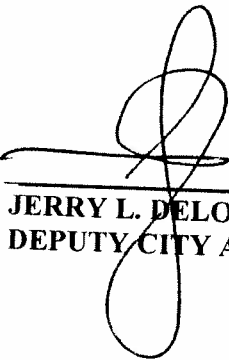
10- *R* -0984

For damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TIARA S. HART** the sum of **\$1,508.34** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-22

Entered - 4-22-10 sb
CL 10L0386 - GWENDOLYN BURNS

10- R -0985


CLAIM OF: **TERRENCE ARNOLD**
1584 Beecher Street, Apt. A
Atlanta, GA 30310

For vehicular damages alleged to have been sustained from
an automobile accident on April 1, 2010 at 1935 Alison
Court.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that
action of the Department of Law be approved in authorizing
payment to **TERRENCE ARNOLD** the sum of **\$1,310.01** as
full and final settlement and satisfaction of all claims, past,
present and future, of every kind and character for vehicular
damages alleged to have been sustained from an automobile
accident on April 1, 2010 at 1935 Alison Court as is more
particularly set forth in the within claim; said sum taken from
and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C23

Entered - 3-12-10 sb

CL 10L0227 - GWENDOLYN BURNS

10- R -0986

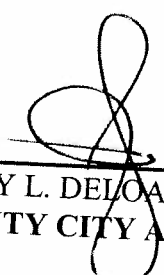
CLAIM OF: **MARILYN LANGSTON JACKSON**
1719 Derry Avenue, SW
Atlanta, Georgia 30310

For vehicular damages alleged to have been sustained after driving over a sanitary sewer sinkhole in December 2009 at 1399 Northwest Avenue, NW.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **MARILYN LANGSTON JACKSON** the sum of **\$1,763.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained after driving over a sanitary sewer sinkhole on December 2009 at 1399 Northwest Avenue, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-24

Entered - 12-2-09 sb
CL 09L0938 - GWENDOLYN BURNS

CLAIM OF: **LAURA GRAHAM AND
LUKE GRAHAM**
398 Campbell Hill Street
Marietta, Georgia 30060


10- R -0987

For vehicular damages alleged to have been sustained after driving over a sanitary sewer construction site that was left open and in an unsafe condition on November 1, 2009 at 2020 Peachtree Road, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **LAURA GRAHAM AND LUKE GRAHAM** the sum of **\$1,152.95** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained after driving over a sanitary sewer construction site that was left open and in an unsafe condition on November 1, 2009 at 2020 Peachtree Road, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-75

Entered - 1/26/10 - sb
CL - 10L0067 - ANGELENA KELLY

10- R -0988

CLAIM OF: AT & T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101

For damages alleged to have been sustained as a result of a severed phone line during the repair of a water meter on November 6, 2009 at 201 Fisk Drive.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to AT & T the sum of \$1,107.87 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a severed phone line during the repair of a water meter on November 6, 2009 at 201 Fisk Drive as is more particularly set forth in the within claim; said sum taken from and charged to account 5051.170201.5750002.4310000.

APPROVED: PETER J. ANDREWS
ACTING CITY ATTORNEY

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-26

Entered -- 03/22/10 - sb
CL 10L0271 - LISA CARTER

10- R-0989


CLAIM OF: **WILBUR SHEPHERD AND
VALT TRUST**
3191 Stone Road
Atlanta, Georgia 30331

For damages alleged to have been sustained as a result of striking a pothole on March 14, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **WILBUR SHEPHERD AND VALT TRUST** the sum of **\$818.20** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a pothole on March 14, 2010 at 3030 Continental Colony Parkway, SW and Greenbriar Parkway, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-27

Entered – 09L0887 - sb
CL 09L0887 – LISA CARTER

10- R -0990

CLAIM OF: **K. MICHELLE MARTIN**
1151 Pluma Drive
Atlanta, Georgia 30316

For damages alleged to have been sustained as a result a trip and fall on a damaged water meter lid on May 18, 2009 at 409 Temple Street.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **K. MICHELLE MARTIN** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result a trip and fall on a damaged water meter lid on May 18, 2009 at 409 Temple Street as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **PETER J. ANDREWS**
 ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C 28

Entered - 3-12-10 sb
CL 10L0230 GWENDOLYN BURNS

10- R -0991

CLAIM OF: **RAMON CREESE**
3014 Meadowood Lane
Atlanta, Georgia 30341

For vehicular damages alleged to have been sustained from driving over a pothole on February 23, 2010 at Piedmont Avenue, NE & Decatur, Street NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **RAMON CREESE** the sum of **\$750.90** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from driving over a pothole on February 23, 2010 at Piedmont Avenue, NE & Decatur, Street NE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____
JERRY L. DEBBACH
DEPUTY CITY ATTORNEY

C-28

Entered - 4-19-10 sb

CL 10L0372 GWENDOLYN BURNS

CLAIM OF: **RYAN CHURA**
675 Greenwood Avenue
Unit 102
Atlanta, Georgia 30306


10- R -0992

For vehicular damages alleged to have been sustained from driving over a pothole on March 24, 2010 at 1001 Piedmont Avenue, NE & 10th Street, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **RYAN CHURA** the sum of **\$702.41** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from driving over a pothole on March 24, 2010 at 1001 Piedmont Avenue, NE & 10th Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-30

Entered - 11/25/09 - sb
CL - 09L0935 - ANGELENA KELLY

10- R -0993

CLAIM OF: Sophia Patten - Lee
2884 Darrah Drive
Atlanta, GA 30331


For vehicle damages alleged to have been sustained as a result of driving over a pothole on August 1, 2009 at North Camp Creek Parkway at Stone Hogan Connector.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Sophia Patten - Lee** the sum of **\$588.74** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a pothole on August 1, 2009 at North Camp Creek Parkway at Stone Hogan Connector as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-31

Entered - 3/29/10 - sb
CL - 10L0297 - ANGELENA KELLY

10- R -0994

CLAIM OF: **Deshun Gay and Harvey Gay**
3270 Dodson Drive Connector, Apt # 2
East Point, GA 30344

For vehicle damages alleged to have been sustained as a result of driving over a pothole on March 5, 2010 at 369 McDaniel Street.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Deshun Gay and Harvey Gay** the sum of **\$550.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a pothole on March 5, 2010 at 369 McDaniel Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-32

Entered - 1-8-10 sb
CL 10L0005 - GWENDOLYN BURNS

CLAIM OF: **KEISHA TEMPLE, ON BEHALF
THROUGH OF HER MINOR CHILD
ZOEY NELSON, THROUGH THEIR
ATTORNEY,
THE MABRA FIRM, LLC
3830 Princeton Lakes Court
Suite 600
Atlanta, Georgia 30331**

10- R -0995

For bodily injuries alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE & Boulevard, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-33

Entered 12-12-09 sb
CL 09L0939 GWENDOLYN BURNS

10- R-0996

CLAIM OF: DHARVIN PATEL
3127 Misty View Trail
Lilburn, Georgia 30047

For vehicular damages alleged to have been
sustained due to a pot hole in the road on November
7, 2009 at Spring Street & 12th Street.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-34

Entered - 4-1-10 sb

CL 10L0306 - GWENDOLYN BURNS

CLAIM OF: **ARIELLE POOL**
704 Yorkshire Road, NE
Atlanta, Georgia 30306

10- R -0997

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 2, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSE REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-35


Entered - 4-16-10 sb
CL 10L0331 - GWENDOLYN BURNS

CLAIM OF: **JOHN QUESENBERRY**
855 Piedmont Avenue, 3A
Atlanta, Georgia 30308

10- R-0998

For vehicular damages alleged to have been sustained after driving over a construction metal plate that was left in an unsafe manner on October 24, 2009 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C36

Entered - 4-19-10 sb

CL 10L0370 - GWENDOLYN BURNS

CLAIM OF: **PRENTICE JOHNSON**
P.O. Box 56081
Atlanta, Georgia 30343

10- R -0999

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on February 23, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-37

Entered - 4-19-10 sb
CL 10L0371 - GWENDOLYN BURNS

CLAIM OF: **ALYCE JACKSON**
134-A Walker Street, SW
Atlanta, Georgia 30313

10- R -1000

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 3, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-38

Entered - 12/16/09 - sb
CL- 09L1025 - Angelena Kelly

10- R-1001

Claim of: Jule McReynolds, Jr.
P.O. Box 162665
Atlanta, GA 30321

For damages alleged to have been sustained as a result of the repair of a water meter on November 30, 2009 at 4682 Derby Loop.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-39

Entered 06/01/09 sb
CL 09L0389 – LISA CARTER

10- R -1002

CLAIM OF: ALISON COMER
through her attorney,
Brian R. Smith
315 West Ponce de Leon
Avenue Suite 1067
Decatur, Georgia 30030

For damages alleged to have been sustained as a result of trip and fall on an uncovered storm sewer manhole on November 25, 2008 at Brandon Mill Road and Morgan Falls Road in Sandy Springs.

THIS ADVERSED REPORT IS
APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C40

Entered - 2/25/10 - sb
CL - 10L0188 - Angelena Kelly

10- R -1003

Claim of: Dwight Jones
9435 Waters Edge Drive
Jonesboro, GA 30236

For damages alleged to have been sustained as a result of driving
over a construction cut on January 23, 2010 at 563 Spring Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-41

Entered - 4/6/10 - sb
CL- 10L0326 - Angelena Kelly

10- R-1004

Claim of: Gladys Mayes
Through her attorney Donald Ellis
P.O. Box 370471
Decatur, GA 30037

For damages alleged to have been sustained as a result of an automobile accident on March 17, 2010 at Dill Avenue and Desoto Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C42

Entered 03/22/10 sb
CL 10L0274 – LISA CARTER

10- R-1005

**CLAIM OF: CLAYTON COUNTY
BOARD OF
COMMISSIONERS,
RISK MANAGEMENT
DIVISION
134 Spring Street
Jonesboro, Georgia 30236**

For damages alleged to have been sustained as a
result of an automobile accident on February 19,
2010 at SR 3 and Blalock Street, Clayton County.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C43

Entered - 4-6-10 sb
CL 10L0318 - GWENDOLYN BURNS

CLAIM OF: **BENJAMIN G. ALLEN**
1923 W. Kimberly Road, SW
Atlanta, Georgia 30331

10- R -1006

For damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 30, 2010 on Kimberly Avenue, SW & Cascade Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CH


Entered - 4-19-10 sb
CL 10L0369 - GWENDOLYN BURNS

10- R -1007

CLAIM OF: **LAKISHA LASHON SMITH**
2100 Ellison Lakes Drive, NW, #626
Kennesaw, Georgia 30152

For damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 30, 2010 on Kimberly Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-45


Entered - 4-16-10 sb
CL 10L0328 - GWENDOLYN BURNS

CLAIM OF: **QUINTON PIERCE**
6066 Crooked Creek Drive
Rex, Georgia 30273

10- R -1008

For damages alleged to have been sustained after a vehicle was driven through wet paint during a road restriping project on March 25, 2010 at Stanton Road, SW & Campbellton Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C46

Entered – 8-7-09 sb
CL 09L0562 GWENDOLYN BURNS

CLAIM OF: **ANDREA SCOTT**
 THROUGH HER ATTORNEY,
 JOHN S. MORGAN, ESQ.
 278 North Marietta Parkway
 Marietta, Georgia 30060

10-12 -1009

For damages alleged to have been sustained from an assault
on February 6, 2009 at an unspecified location.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C47

Entered – 3-22-10 sb
CL 10L0392 - GWENDOLYN BURNS

CLAIM OF: MARY C. SIMMONS
2201 Belvedere Avenue, SW
Atlanta, Georgia 30311

10- R -1010

For damages alleged to have been sustained when a tree log struck a mailbox during a tree removal project on March 22, 2010 at 2201 Belvedere Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-48

Entered - 2/25/10 - sb
CL- 10L0192 - Angelena Kelly

10- R -1011

Claim of: Delonza Fitzgerald
10511 Crabtree Drive
Jonesboro, GA 30238

For damages alleged to have been sustained as a result of an arrest and vehicle impound on October 6, 2009 at 3656 Ruby Harper Boulevard.

THIS ADVERSE REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-49

Entered - 1-14-10 sb

CL 10L0013 GWENDOLYN BURNS

CLAIM OF: **ANN-MARIE DIXON**
1478 Rogers Crossing Drive
Lithonia, Georgia 30058

10- R-1012

For damages alleged to have been sustained from errors made on an Atlanta Police automobile accident report on August 16, 2009 at Interstate 75/85 & Interstate 20 interchange.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-50

Entered 2-12-10 sb
CL 10L0118 GWENDOLYN BURNS

10-R -1013

CLAIM OF: WILLIE MAE GLENN
175 Memorial Drive, SE
Atlanta, Georgia 30312

For bodily injuries alleged to have been sustained
from a slip-and-fall incident on a sidewalk on
January 14, 2010 at Memorial Drive & Hill Street.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DEBOACH
DEPUTY CITY ATTORNEY

C-51

Entered - 3-22-10 sb
CL 10L0256 GWENDOLYN BURNS

CLAIM OF: **ANITA BREWSTER**
 2711 Holly Berry Drive
 Ellenwood, Georgia 30294

10- R -1014

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-52

Entered - 3-29-10 sb

CL 10L0291 GWENDOLYN BURNS


CLAIM OF: **ALFREDA SHUFFORD**
177 Moury Avenue SW, #2404
Atlanta, Georgia 30315

10- R -1015

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 15, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C53

Entered - 3-22-10 sb

CL 10L0257 GWENDOLYN BURNS

CLAIM OF:

ORLIA L. SHARPE

2615 Old South Drive

Jonesboro, Georgia 30236

10-R -1016

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C54

Entered -- 4-16-10 sb

CL 10L0333 GWENDOLYN BURNS

CLAIM OF:

WYVONIA LUTTRELL

100 Lumby Court, Apt. 3206

Decatur, Georgia 30034

10- R -1017

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 16, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH

DEPUTY CITY ATTORNEY

C-55

Entered – 12-9-09 sb
CL 09L0973 - GWENDOLYN BURNS

10- R -1018

**CLAIM OF: JERMAINE PARKER
THROUGH HIS ATTORNEY,
JAMES LEE FORD, PC
6111 Peachtree Dunwoody Road
Atlanta, Georgia 30328**

For damages alleged to have been sustained from a false
arrest incident on May 30, 2009 at Westview Drive, SW &
Langhorn Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELLOACH
DEPUTY CITY ATTORNEY

C56

Entered - 4-1-10 sb

CL 10L0304 - GWENDOLYN BURNS

CLAIM OF: **SUSANNE R. PETERFIELD**
588 Oakdale Road, NE
Atlanta, Georgia 30307

10-R-1019

For property damages alleged to have been sustained from a sewer back up on September 20, 21, 2009 at 588 Oakdale Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-57

Entered – 2/4/10 - sb
CL – 10L0099 - Angelena Kelly

10- R -1020

Claim of: AT & T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101

For damages alleged to have been sustained as a result of a damaged cable during the installation of a water line on August 25, 2009 at 2694 Fair Oaks Drive, Dekalb County.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-58

Entered – 4/1/10 - sb
CL – 10L0313 - ANGELENA KELLY

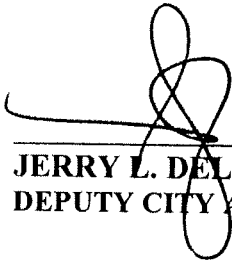
10- 2 -1021

**Claim of: Columbia Insurance Group
As subrogee of Architectural Brass
4370 Peachtree Road
Atlanta, GA 30319**

For damages alleged to have been sustained as a result of a tree falling on May 6, 2009 at 1130 Donald L. Hollowell Parkway.

THIS ADVERSED REPORT IS APPROVED

BY:

A handwritten signature in black ink, appearing to be "JERRY L. DELOACH", written over a horizontal line.

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C59

Entered 04/16/10 sb
CL 10L0343 – LISA CARTER

10- R-1022

CLAIM OF: BRADLEY M. COOKE
904 Rosedale Road, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained as a
result of a sewer back up on March 20, 2010 at 904
Rosedale Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Ctd

Entered – 11-25-09 sb
CL 09L0928 GWENDOLYN BURNS

10-R -1023

CLAIM OF: **JAMES WHITMIRE**
THROUGH HIS ATTORNEY,
DON ENGLISH, ESQ
SOUTHERN STATES POLICE
BENEVOLENT ASSOCIATION, INC.
2155 Highway 42 S
McDonough, Georgia 30252-7636

For damages alleged to have been sustained when monies received from approved off-duty employment were deducted from City payroll checks from April 10, 2009 through July 7, 2009 at 675 Ponce De Leon Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-61

Entered - 1-26-10 sb

CL 10L0047 GWENDOLYN BURNS

CLAIM OF: **CHRISTINE DANIEL
THROUGH HIS ATTORNEY,
PETER K. ODOM, ESQ
ODOM LAW FIRM**
The Brookwood Exchange, Suite 115
Atlanta, Georgia 30309

10-R -1024

For damages alleged to have been from an arrest and detention incident from July 17-19, 2009 at 675 Ponce De Leon Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-62

Entered - 11/10/09 - sb
CL- 09L0863 - Angelena Kelly

10- R -1025

**Claim of: Outdoor Management Company
6190 Campground Road
Cumming, GA 30040**

For damages alleged to have been sustained as a result of an automobile accident on August 26, 2009 at 3820 Cascade Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-63

Entered - 10-22-09 sb

CL 09L0799 GWENDOLYN BURNS

CLAIM OF: **WILLIE JUNIOR PINSON**
1286 Highway 178 West, Lot #3
New Albany, MS 38652

10- R-1026

For damages alleged to have been sustained from an apprehension incident by Police on August 26, 2009 at 520 Boulevard NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELGACH
DEPUTY CITY ATTORNEY

C-64

Entered – 8/24/09 - sb
CL- 09L0631 - Angelena Kelly

06-R-1027

Claim of: Michael Carter
2265 Flint Creek Drive
Cumming, GA 30041

For damages alleged to have been sustained as a result of a
vehicular incident on June 1, 2009 at 32 Harlan Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-65

Entered - 3/29/10 - sb
CL- 10L0300 - Angelena Kelly

10- R -1028

Claim of: Georgia Administrative Services
As subrogee of Clayton County Board of
Education
1775 Spectrum Drive, Suite 100
Lawrenceville, GA 30043

For damages alleged to have been sustained as a result of a
trip and fall on a sidewalk on September 10, 2008 at 135
Auburn Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-ldo

Entered – 10/29/09 - sb
CL- 09L0849 - Angelena Kelly

10- R -1029

Claim of: **Juan Hargrove**
 Through his attorney Mawuli Davis
 4153 – B Flat Shoals Parkway
 Suite 204
 Decatur, GA 30034

For damages alleged to have been sustained as a result of an arrest and false imprisonment on November 2, 2007 through April 24, 2009 at 28 Gould Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY/L. DELOACH
DEPUTY CITY ATTORNEY

C-67

Entered - 02/25/10 - sb
CL10L0194- DIANNE C. MITCHELL

10- R -1030

CLAIM OF: WILLIE H. BROWN
198 Upshaw Street
Atlanta, GA 30315

For damages alleged to have been sustained as a result
the loss of a vending location on February 15, 2002 at
521 Hank Aaron Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-68

10- R -1031

Entered – 1/19/10 - sb
CL – 10L0039 - Angelena Kelly

Claim of: **Jean Marie Harrison**
 660 Lakeshore Drive
 Cordele, GA 31015

For damages alleged to have been sustained as a result of driving
over a catch basin grate on December 11, 2009 at 3227 Roswell
Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-169

10- R -1032

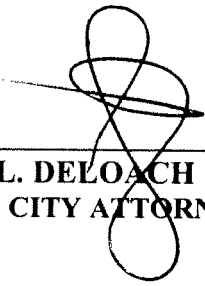
Entered – 9/11/09 - sb
CL- 09L0698 - Angelena Kelly

Claim of: Ezra B. Jones, III, Esquire
Through his attorney Howell A. Hall
115 Perimeter Center Place
South Terraces, Suite 1000
Atlanta, GA 30346

For damages alleged to have been sustained as a result of
water account dispute beginning August 2008 at 305
Crosstree Lane.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-70

10-R-1033

Entered - 3/22/10 - sb
CL - 10L0279 - Angelena Kelly

Claim of: Alexander Sutton
835 Oglethorpe Avenue # 413
Atlanta, GA 30310

For damages alleged to have been sustained as a result of driving
over a pothole on January 19, 2010 at Andrews Drive and West
Paces Ferry Road.

THIS ADVERSED REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-71

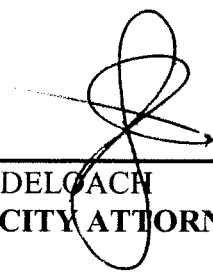
Entered -- 3-12-10 sb
CL 10L0232 - GWENDOLYN BURNS

10- R-1034

CLAIM OF: **THE ESTATE OF JASMINE ZACHERY,
ET AL, THROUGH ITS ATTORNEY
MICHAEL DEMING, ESQ.
DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC
4851 Jimmy Carter Boulevard
Norcross, Georgia 30093**

For bodily injuries alleged to have been sustained from a wrongful death incident resulting from an improperly marked entrance ramp on December 8, 2009 at Interstate 75 in Hapeville.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-72

Entered - 4-19-10 sb
CL 10L0373- GWENDOLYN BURNS

CLAIM OF: PRADEEP UPADHYAYA
3740 Banyon Lane
Alpharetta, Georgia 30022

10- R -1035

For property damages alleged to have been sustained when a parked vehicle was struck by fallen insulation debris on February 25, 2010 at Hartsfield-Jackson International Airport, 6000 S. Terminal Parkway.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-73

Entered 10/22/09 sb
CL 09L0811 - LISA CARTER

10-R -1036

CLAIM OF: VALERIA C. EBERHART
1455 Helen Lane
Atlanta, Georgia 30331

For damages alleged to have been sustained as a
result of a sewer backup on April 15, 2009 at 1455
Helen Lane.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CPH

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

10-0-0952

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTIONS 98-63 AND 98-64; CHAPTER 114, ARTICLE IV, DIVISION 1, SECTION 114-79; CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-229 AND 114-230; CHAPTER 114, ARTICLE VI, DIVISION 1, SECTION 114-502; AND CHAPTER 114, ARTICLE VI, DIVISION 3, SECTIONS 114-546 AND 114-553, SO AS TO CHANGE THE NONDISCRETIONARY RANK OF POLICE CAPTAIN TO A DISCRETIONARY RANK; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the commander of an Atlanta Police zone must hold the rank of Police Major; and

WHEREAS, the duties and responsibilities of the zone commander include supervising the various watch commanders who hold the rank of Police Lieutenant; and

WHEREAS, the supervisory responsibilities of a zone commander are constant, and therefore each zone is also assigned an assistant zone commander; and

WHEREAS, the rank of Police Captain is below that of Police Major and above that of Police Lieutenant; and

WHEREAS, currently, the rank of Police Captain is a non-discretionary rank; and

WHEREAS, the Atlanta Police Department has not administered the Captain's promotional exam since 1993; and

WHEREAS, there are no current members of the Atlanta Police Department who hold the rank of Captain; and

WHEREAS, because there are no current Police Captains, various lieutenants have been designated as assistant zone commanders; and

WHEREAS, the level of supervisory responsibility of the position of assistant zone commander and comparable supervisory positions, require that they be ranked above lieutenant and that appointments thereto be made at the discretion of the police chief; and

WHEREAS, it is the desire of the City of Atlanta to re-classify the supervisory rank of Police Captain as a discretionary rank in order to so designate assistant zone commanders and comparable supervisors.

8-1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1. That Chapter 98, Article II, Division 2, Section 98-63, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 98-63. Applicability.

The rules and procedures in this division shall apply to promotions in the department of police to the ranks of police sergeant **and** lieutenant. ~~and captain.~~

SECTION 2. That Chapter 98, Article II, Division 2, Section 98-64, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 98-64. Ranking of members.

(a) Sworn members of the department of police in the nondiscretionary ranks of police officer, sergeant, lieutenant and captain on the effective date of the ordinance from which this section derives shall be given status in the nondiscretionary ranks they hold as of that date. Sworn members of the department of police holding discretionary ranks on the effective date of the ordinance from which this section derives shall be given status in the nondiscretionary ranks they held at the time they were appointed to the most recent discretionary ranks.

(b) **Effective July 1, 2010, the rank of Police Captain was reclassified as a discretionary rank.**

SECTION 3. That Chapter 114, Article IV, Division 1, Section 114-79(e)(2), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-79. Civil Service Board.

(e) The board shall conduct its business in the manner provided in Appendix III and shall perform the following functions:

(2) Hold hearings when requested by an employee or an appointing authority on final demotions, suspensions, dismissals or other such adverse actions with reference to the classified service and have power to make final determinations and dispositions in such matters. Hearings may also be held for sworn officers who hold the position of ~~captain~~ **lieutenant** and any rank below that of ~~lieutenant~~ **captain** in of the department of police and **sworn officers who hold the rank of captain and any rank below that of captain in the** department of fire when such a hearing is requested. No officer or employee of the department of police or

department of fire who is in a probationary status of initial employment with the department shall be entitled to a hearing.

SECTION 4. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-229, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-229. Applicability.

This subdivision shall apply to promotions to the supervisory and mid-management ranks of sergeant ~~and lieutenant and captain~~ in the department of police, lieutenant and captain in the department of fire, and sergeant, lieutenant and captain in the department of corrections.

SECTION 5. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-230, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-230. Status of present sworn members.

(a) Sworn members in the nondiscretionary ranks of police officer, sergeant, lieutenant and captain in the department of police and firefighter, lieutenant and captain in the department of fire, on the effective date of the ordinance from which this subdivision derives [March 27, 2007] and sworn members in the nondiscretionary ranks of corrections officer, sergeant, lieutenant and captain in the department of corrections on the amended date of the ordinance from which this subdivision derives [June 15, 1999] shall be given status in the nondiscretionary rank they hold as of that date. Sworn members of the department holding discretionary ranks on the effective date of the ordinance from which this subdivision derives, or the amended date as applicable, shall be given status in the non-discretionary rank they held at the time they were appointed to their first discretionary rank.

(b) **Effective July 1, 2010, the rank of Police Captain was reclassified as a discretionary rank.**

SECTION 6. That Chapter 114, Article VI, Division 1, Section 114-502, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-502. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adverse action means a disciplinary action taken for cause by a department head or designee which results in suspension without pay, demotion or dismissal of a regular, nonprobationary employee in the classified service of the city or any regular nonprobationary

sworn officer of the department of police **who holds the rank of lieutenant or below** or **any regular nonprobationary sworn officer of the** department of fire who holds the rank of captain or below. It does not include actions which result from challenging the decision to implement or the scope of a reduction in force or actions resulting from insufficient funds, decrease in funds or departmental reorganization or denial of annual increase based on the employee receiving a less than effective performance evaluation. Adverse actions may be appealed to the civil service board.

Appeal means a written request by an employee for review by the civil service board of an adverse action, removal from the eligible list, procedures used in a reduction in force or unjust coercion or reprisal as provided in this article.

Appointing authority means the official, group of officials, acting official or other person designated by the proper authority having the power of appointment, employment or election to or removal from subordinate positions in the city employment service.

Board means the civil service board of the city.

Classified service means that which is referenced in 114-84.

Commissioner, unless otherwise specified, means the commissioner of human resources.

Counseling means a deliberation or discussion between employee and supervisor in which the employee's supervisor advises the employee regarding the appropriateness of work-related attitudes, behaviors, actions, conduct or performance of the employee and where necessary offers assistance or advise in correcting such.

Days, unless otherwise specified, means working days.

Demotion means a change of employment to a position in a class which has a lower maximum salary limit than the class from which the assignment was made. A reduction in pay shall not be deemed a demotion for cause if such reduction results from a demotion during a probationary period such that the employee is returned to the position held immediately prior to the promotion, a reduction in force, insufficient funds, decrease in funds, departmental reorganization or a change of appointment made in the discretion of the appointing authority as provided by this Code and shall not be appealable under this article.

Disciplinary action means an action taken for cause by a department head or designee which results in an oral admonishment, a written reprimand, demotion, suspension with or without pay or dismissal of a regular nonprobationary employee in the classified service of the city or any regular nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below** or **any regular nonprobationary sworn officer of the** department of fire who holds the rank of captain or below. Disciplinary actions include all adverse actions. Only those disciplinary actions which are adverse actions, suspension without pay, demotions or dismissals, by definition of this article, are appealable to the civil service board.

Dismissal means the discharge, termination or removal of an employee from employment with the city.

Eligible means a person who has qualified to be placed on a list or register of persons eligible for employment with the city pursuant to article IV of this chapter pertaining to civil service.

Grievance means a written request by an employee for review of an allegation which describes a work-related event or a condition of employment which the employee reasonably believes is unfair in light of the rules, regulations and standards which govern the employment relationship with the city.

Hearing officer means a member of the civil service board appointed by the mayor and confirmed by the council as provided in this article and who is designated in routine rotation sequence to hear appeals filed with the civil service board.

Hearing panel means three members of the civil service board who are designated in routine rotation sequence to hear appeals of dismissals filed with the civil service board.

Oral admonishment means a verbal discussion by a supervisor with an employee calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe.

Performance evaluation means a periodic written report approved by the appointing authority or designee relative to the work-related conduct and performance of the employee and which is issued in accordance with article IV of this chapter.

Probationary employee means any employee appointed to a regular position who has not completed the required probationary period in a given class qualifying the employee for regular employment in that class served in accordance with article IV of this chapter.

Reprimand means a written report to an employee by a supervisor calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe.

Separation means termination of the employment relationship.

Suspension means the temporary removal of an employee from a position of employment with the city with or without pay.

SECTION 7. That Chapter 114, Article VI, Division 3, Section 114-546 (1), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-546. Right to file appeal.

- (1) *Adverse actions.* Any nonprobationary employee in the classified service or any nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below that of lieutenant** or sworn officer of the department of fire who holds the rank of captain or any rank below that of captain shall have the right to file an appeal of an adverse action, i.e., suspension, demotion or dismissal, to the civil service board pursuant to the procedures in this article.

SECTION 8. That Chapter 114, Article VI, Division 3, Section 114-553 (b), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-553. Decision of hearing officer/panel.

- (b) *Finality of decision.* The decision of the hearing officer/panel shall be binding on both parties. For appeals of adverse actions, the hearing officer/panel may modify the action of the appointing authority but may not increase the severity of such action on the employee. If the appellant is a nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below that of lieutenant** or sworn officer of the department of fire who holds the rank of captain or any rank below that of captain, the hearing officer/panel may not modify, but must affirm or revoke a suspension or demotion and may affirm, revoke or modify a dismissal to no less than a 30-day suspension. The appointing authority shall promptly comply with the final decision as may be issued as a result of the appeal.

SECTION 9. The amendments in this ordinance shall become effective July 1, 2010.

SECTION 10. That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Legislative Counsel: s/Amber A. Robinson

Contact Number: 404-330-6494

Originating Department: Department of Police

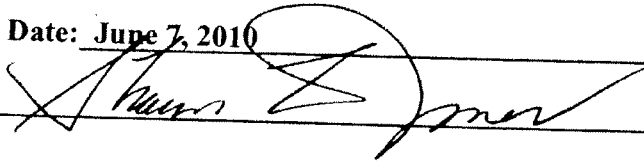
Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: May 11, 2010

Anticipated Committee Meeting Date(s): June 1 and 2, 2010

Anticipated Full Council Date: June 7, 2010

Commissioner Signature



Chief Procurement Officer Signature N/A

CAPTION

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTIONS 98-63 AND 98-64; CHAPTER 114, ARTICLE IV, DIVISION 1, SECTION 114-79; CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-229 AND 114-230; CHAPTER 114, ARTICLE VI, DIVISION 1, SECTION 114-502; AND CHAPTER 114, ARTICLE VI, DIVISION 3, SECTIONS 114-546 AND 114-553, SO AS TO CHANGE THE NONDISCRETIONARY RANK OF POLICE CAPTAIN TO A DISCRETIONARY RANK; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:

(date)

Reviewed by:

(date)

Submitted to Council:
(date)

**AN ORDINANCE
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to assess and collect fees for fire inspections, fire plan review, and fire permits pursuant to O.C.G.A., Title 25, Chapter 2, Sections 25-2-4.1 and 25-2-12.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to O.C.G.A., Title 25, Chapter 2, Section 25-2-12, Subsection (a)(2) ("O.C.G.A. §25-2-12") the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare by requiring fire inspections, fire plan reviews, and fire permits; and

WHEREAS, the portion of Chapter 78, Article III, Section 78-57 ("§78-57"), Subsection (b) of the Code of Ordinances of the City of Atlanta, entitled 105.6.47 (Fees) sets forth the schedule of fees regarding fire inspection, fire plan review, and fire permits ("Fees") that the City of Atlanta Fire Rescue Department through the Fire Inspections Bureau shall charge for fire inspections; and

WHEREAS, certain fire safety inspections, plan reviews, and issues fire permits are not set out in the schedule of fees but are authorized pursuant to O.C.G.A. §25-2-12 (a)(2) and City of Atlanta Code of Ordinances §78-57; and

WHEREAS, the Fire Inspections Bureau of the City of Atlanta Fire Department exists solely to perform fire safety inspections, plan reviews, and issues fire permits in compliance with O.C.G.A. §25-2-12 (a)(2); and

WHEREAS, the City has experienced significant growth since 2002 without any fee adjustments to fire inspections, fire plan reviews, and fire permit services; and

WHEREAS, the City's cost to provide fire inspections, fire plan reviews, and fire permit services has increased; and

WHEREAS, the City desires to increase existing fire inspection, fire plan review, and fire permit fees and establish authorized fire inspection, fire plan review, and fire permit fees to recover the Fire Inspection Bureau's costs of these related services by imposing fees established by a fee study conducted by the Atlanta Fire Rescue Department and attached hereto as Exhibit 'A'; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) (attached hereto as Exhibit B) be entitled "Fire Inspection and Operational Permit Fees."

SECTION 2: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.7 (Fees) subsection (a) be amended to add a new section entitled "Fire Inspection Fees" which shall read as follows:

Section 105.6.47 Fees.

- (a) The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge and collect fees, on a yearly, one time or location basis for the issuance of permits or activities including storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

In addition to the annual fees described in city ordinance §105.6.47, a \$25.00 **processing** fee shall be charged.

(a) **FIRE SAFETY INSPECTION FEES:**

A. **Existing Occupancies**

In accordance with O.C.G.A. §25-2-12 (2) fire inspection shall be performed in order to issue permits or authorize occupancy as required. The annual fees therefore shall be as follows:

- i. There shall be an *inspection* fee of \$50 for a business having up to 3,000 square feet.
- ii. There shall be an *inspection* fee of \$100 for a business having 3,001 square feet to 5,000 square feet.
- iii. There shall be an *inspection* fee of \$150 for a business having 5,001 square feet to 10,000 square feet.
- iv. There shall be an *inspection* fee of \$200 for a business having more than 10,000 square feet.
- v. **There shall be an inspection fee of \$350 for High-rise structures up to 70,000 square feet.**

- vi. **There shall be an inspection fee of \$450 for high-rise structures more than 70,001 square feet.**

SECTION 3: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) subsection (a) be amended to add the following increased fees to the existing Operational Fee Schedule which shall read as follows:

OPERATIONAL PERMITS: Operational permits are required to conduct certain operations or businesses. In addition to Fire inspection fees, operational fees may be required for certain activities as listed. Multiple operations performed at the same location shall be charged a single inspection fee pursuant to §105.6.47 (a)(1). However, each operation shall be individually accessed permit fees and may incur cumulative fees. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12(2).

Permit approvals subject to site inspection. **The minimum fee for any activity not listed shall be \$50.00**

	PERMITS		
Flammable and combustible liquids (R)	Tank storage--\$.036 per gallon of flammable liquid or combustible liquid ; (per tank)	4.50	
Places of public assembly	Permit for occupant load--\$42.00, <u>plus \$0.42 per area permitted:</u>	42.00	222.00 = <u>528 persons; eliminate maximum restriction.</u>
<u>Special hazard building & structures</u> (R) (place of public assembly)	Buildings presenting special hazards to persons or property per O.C.G.A. § 25-2-13	\$50.00	
LPG or LNG (R)	<u>Tank storage: \$0.036 per gallon of LP or LNG liquid (per tank)</u>	4.50	
<u>Exhibit & Trade Shows</u> (NR)	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans, includes site inspection. Activity not	79.00	79.00

	<i>allowed in non-permitted facilities.</i>		
Tent/carnival (NR)	Per location; <u>200 up to 400 sq. ft = \$50.00</u> <u>401 - 1,500 sq. ft =</u> <u>1,501 - 3,000 sq. ft =</u> <u>3,001 - 6,000 sq. ft =</u> <u>6,001 - 9,000 sq. ft =</u> <u>More than 9,001 sq. ft =</u>	<u>\$100</u> <u>\$150</u> <u>\$200</u> <u>\$250</u> <u>\$300</u>	

**** (R) = Renewable (NR) = Non-Renewable**

SECTION 4: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) (b) be amended to increase the Re-inspection fee and which shall read as follows:

- (b) Re-inspections Fee: A re-inspection fee of \$200.00 shall be imposed for each additional inspection if a violation(s) stated in the initial written notice has not been corrected.

SECTION 5: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) subsection (c) be deleted in its entirety.

SECTION 6: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

SECTION 7: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

EXHIBIT -(A) EXISTING FEE TABLE

Section 105.6.47 Fees.

(a)

The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge fees, on a yearly, one time or location basis for the issuance of permits for certain activities or storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

The minimum fee for inspection and permit issuance for any activity not listed shall be \$38.00.

Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100—500 cubic feet-\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200—1,000 cubic feet-\$22.00; 1,000+ cubic feet-\$13.00 per 1000 cubic feet. Nonflammable: 6,000—10,000 cubic feet- \$18.00; 10,000+ cubic feet-\$13.00 per 1,000 cubic feet. (Permit not required for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)	22.00 18.00	180.00 180.00
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	\$90.00	90.00	90.00
Blasting permits	\$90.00 (per location) City wide permit\$156.00	90.00	156.00
Flammable finishes	Dip Tanks—\$42.00 per tank.	42.00	222.00
	Spray booths-\$42.00 per booth not exceeding 25 sq.	42.00	222.00

	ft.		
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Plan review—Tank removal Installation A/G and U/G;	66.00	66.00
Flammable and combustible liquids	Tank storage—\$.036 per gallon of flammable liquid or combustible liquid	4.50	\$132.00
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit—\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55—110 gallons—\$22.00; 110—500 gallons—\$42.00; 500+ gallons—\$66.00	22.00	66.00
	Oxidizing materials: 500—1,000 pounds—\$42.00 1,000+ pounds- \$66.00	42.00	66.00
	Organic peroxides: 10—50 pounds—\$22.00 50—100 pounds—\$42.00 100+ pounds—\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials—\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LP gases or LNG	Plan review for installation	66.00	66.00
	Tank storage: \$.036 per gallon of LP or LNG liquid	4.50	132.00
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00

Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
Places of public assembly	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans	43.00	43.00
Places of public assembly	Permit for occupant load—\$42.00, plus \$0.42 per person	42.00	222.00
Site development	Plan review	43.00	43.00
Combustible material	2,500—5,000 cubic feet—\$42.00; 5,000+ cubic feet—\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25—100 pounds—\$22.00; 100+ pounds—\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location—\$42.00 City wide permit—\$14.00	42.00	114.00
Tent/carnival	Per location	66.00	66.00
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500—5,000 sq. ft.—\$42.00 5,000+ sq. ft.—\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
Organic coating	\$66.00	66.00	66.00

(b)

A re-inspection fee of \$36.00 shall be imposed for each re-inspection if a violation stated in the initial written notice has not been corrected.

(c)

A fee of \$40.00 shall be imposed for each open records inquiry including: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Exhibit B

Fire & Life Safety Permit and Inspection Fee Structure Proposal

Atlanta Fire Rescue

Inspections Unit

May 5th, 2010

Introduction/Executive Summary

- **Services provided by the Inspections Unit:**
- **Improvements/technology investment**
- **Impact on safety and criticality of the fees**
- **Expand services**

Fire inspections unit annual operating cost: \$1.8 (M)

Personnel/Training			
#	Item	Unit cost	Amount
1	Captain (Sworn)	\$ 112,496	\$ 112,496
10	Lieutenants (Sworn)	\$ 97,447	\$ 974,473
9	Inspectors (General)	\$ 62,110	\$ 558,994
2	Admin Assistant (General)	\$ 62,533	\$ 125,066
8	NFPA Inspector I Test	\$ 350	\$ 2,800
8	Renewal Fee	\$ 150	\$ 1,200
8	Recertification Fees	\$ 150	\$ 1,200
12	State Fire Inspector training	\$ 500	\$ 6,000
Total Personnel/Training			\$ 1,782,229

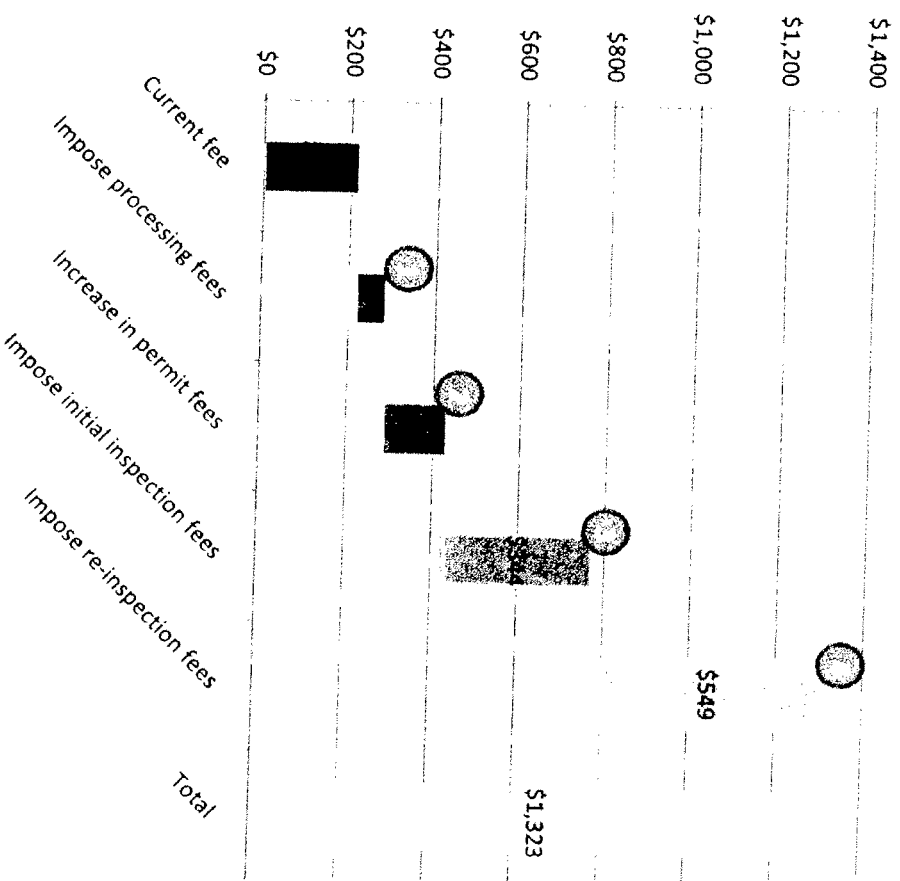
Operations		
Budget code	Description	Amount
5212001	Consultant	\$ 4,320
5234001	Printing & Binding	\$ 3,200
5237002	Training Registration	\$ 1,100
5311001	Consumable	\$ 2,081
5311002	Non-consumable	\$ 2,180
5316005	Computer (\$1,000-4,999)	\$ 17,906
5317003	Supplies, Small Parts	\$ 500
5510001	Motor Equip.	\$ 20,270
5510002	PM/Repairs	\$ 26,992
Total Operations		\$ 78,549

Total budget \$1,860,778

Source: 2009-2010 budget; Fire Inspection Unit Business Plan

Four proposed changes to the Fire & Life Safety Inspection fee program can recover \$1M

Fire Inspection Unit fees by type (\$K)



Current practice

- Fire Inspections Unit conducts inspections prior to issuing Fire Safety Permits
- Inspections Unit only charges for permit issuance, not for initial inspections or re-inspections
- Inspections Unit issued 2937 permits and charged for \$218K in 2009

Proposed changes to permit/ inspection fee program

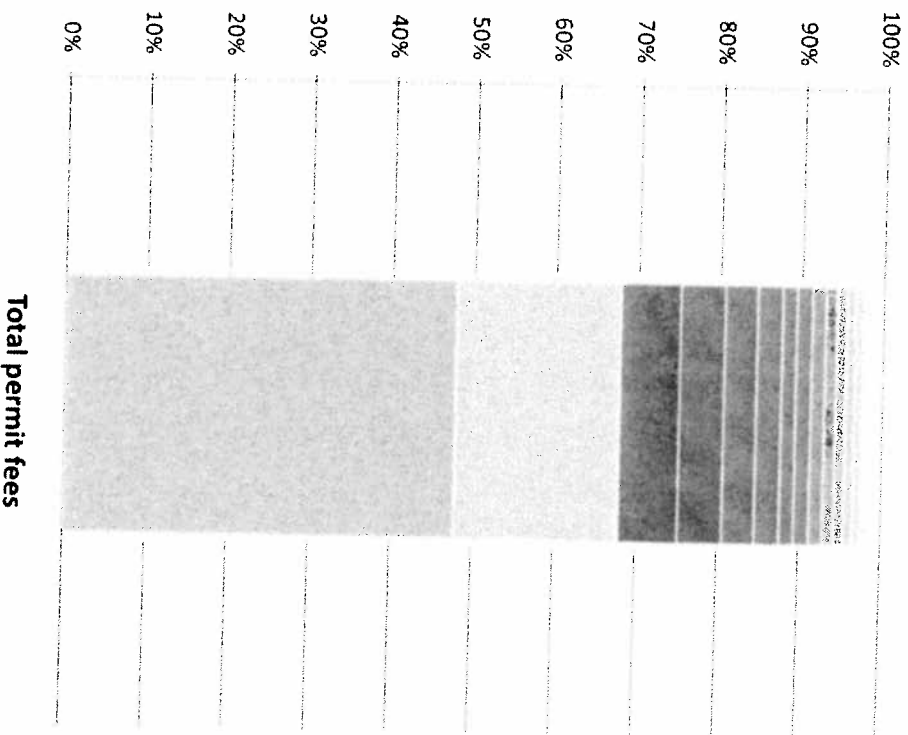
- Impose a \$25 processing fee per permit issued :
- Remove maximum fee cap and charge per unit (i.e. tank or event) for two permit types with highest revenue :
- Impose initial inspection fee for all inspections :
- Increase re-inspection fees for violations not corrected after initial inspection to enhance public safety

Compare the old/new legislation

Permit Type	Existing Fee Schedule	Proposed Fee Schedule	Rationale
Public Assembly	Imposes a maximum fee of \$222.00 for a public assembly permit for a capacity up to 527 persons, with no distinction for events or facilities with greater capacity.	Removes maximum cap on public assembly permits and charge per area to minimize overcrowded conditions to enhance public safety.	100 out of 1001 public assembly permits issued in 2009 were assessed at the maximum fee for 523 people per event – this poses a public safety hazard for multiple locations/venue for each event and requires more detailed inspections
Tank Storage	Existing fee is based on capacity and imposes a maximum fee of \$132.00 on flammable liquid storage tanks at 3790 gallons . Approximately 35% of permits issued in 2009 were for tank capacities exceeding 3790 gallons.	Removes maximum cap on fuel storage fees by imposing a fee per tank or container to provide better hazard tracking, identification & reporting capabilities.	269 out of 580 tank storage permits issued in 2009 were assessed at the maximum fee of 3200 gallons per business – this presents a high hazard as each tank over capacity adds greater public safety concerns...

- Of the \$220K permit fees charged in 2009, Operational Permits (*Public Assembly, Tank Storage, etc.*) accounted for ~70%

Fire Safety Permit fees by type of permit:



Note: Permit type generating less than \$1,000 total in 2009 included in the Other category
Source: 2009 Permit Record

- Other (\$3.5K)
- DRY CLEANING (\$1.5K)
- COMPRESSED GASES/NON-FLAMMABLE (\$2.3K)
- INDUSTRIAL BAKING OVEN (\$2.3K)
- LP GASES OR LNG (\$2.6K)
- FLAMMABLE LIQUID - SAFETY CANS (\$3.1K)
- FLAM. FINISHES SPRAY BOOTHS (\$3.6K)
- HAZARDOUS CHEMICALS-CORROSIVES (\$3.8K)
- HIGH PILED COMBUSTIBLE STOCK (\$4.1K)
- COMBUSTIBLE MATERIALS (\$6.7K)
- FLAMMABLE LIQUID-MISCELLANEOUS (\$8.6K)
- FLAMMABLE LIQUID-DRUM STORAGE (\$11.9K)
- COMPRESSED GASES FLAMMABLE (\$15.9K)
- FLAMMABLE LIQUID -TANK STORAGE (\$43.6K)
- PLACE OF PUBLIC ASSEMBLY (\$104.5K)

- Removing maximum fee and charging per unit for *Public Assembly & Tank Storage* permits can increase cost recovery by \$145K

PLACE OF PUBLIC ASSEMBLY (may include permit endorsement for open-flames & candles)			
# of permits at max fee			100
% over capacity			75%
# of permits qualified for new fee			75
current max fee	\$	222	
incremental fee per unit	\$	181	
FLAMMABLE LIQUID -TANK STORAGE			
# of permits at max fee			269
% over capacity			75%
# of permits qualified for new fee			202
current max fee	\$	132	
incremental fee per unit	\$	652	
total incremental revenue	\$		131,445

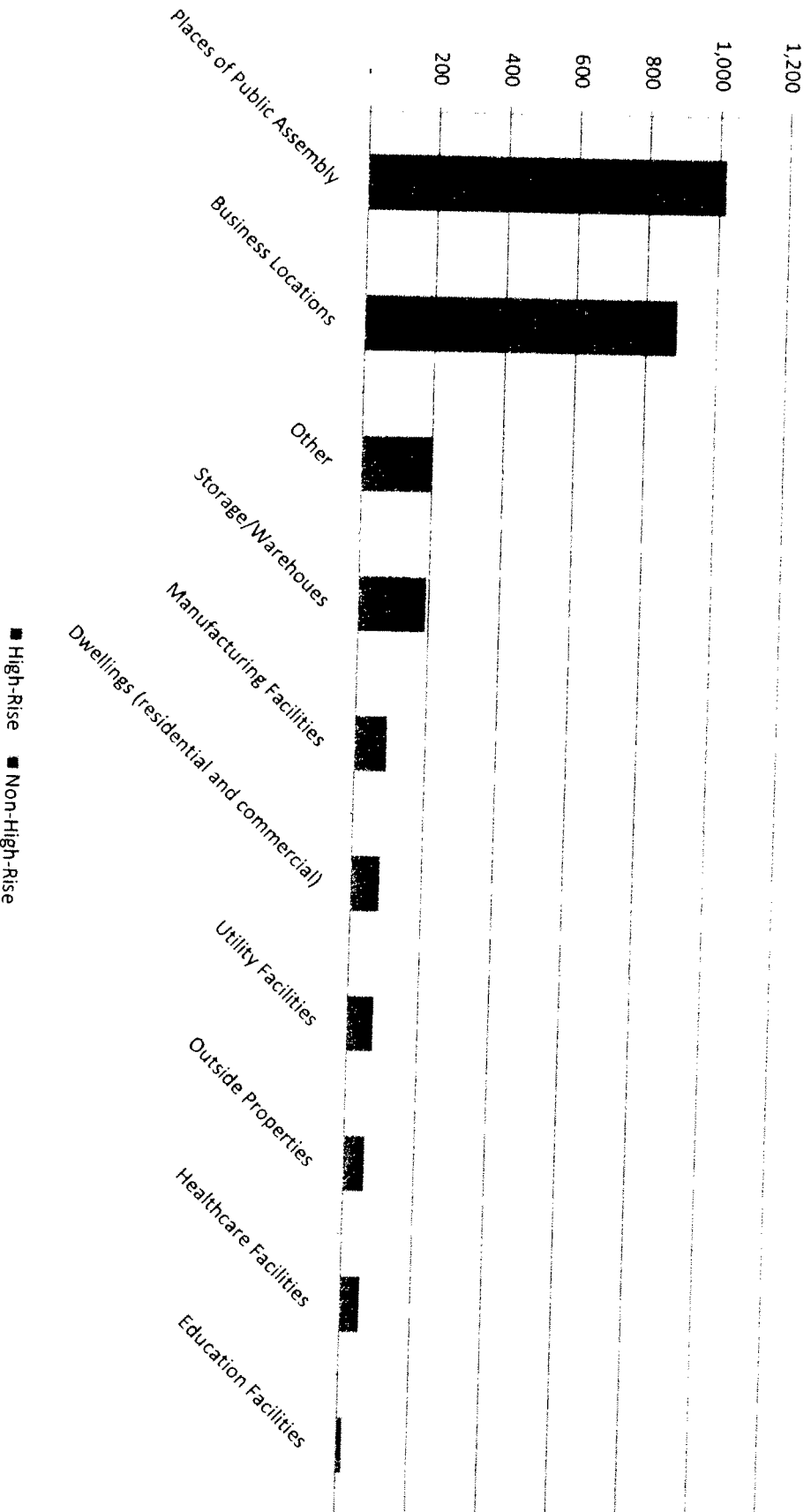
Total permit fee increase

\$145,053

Note: Assumed only 75% of current permits at max fee would need additional capacity; incremental fee per unit estimated with a sample of permit records
Source: 2009 Permit Record

Inspections unit conducted 2,673 non-exempt initial inspections in 2009

of initial inspections by Fixed Property Use



Source: 2009 Inspections Record

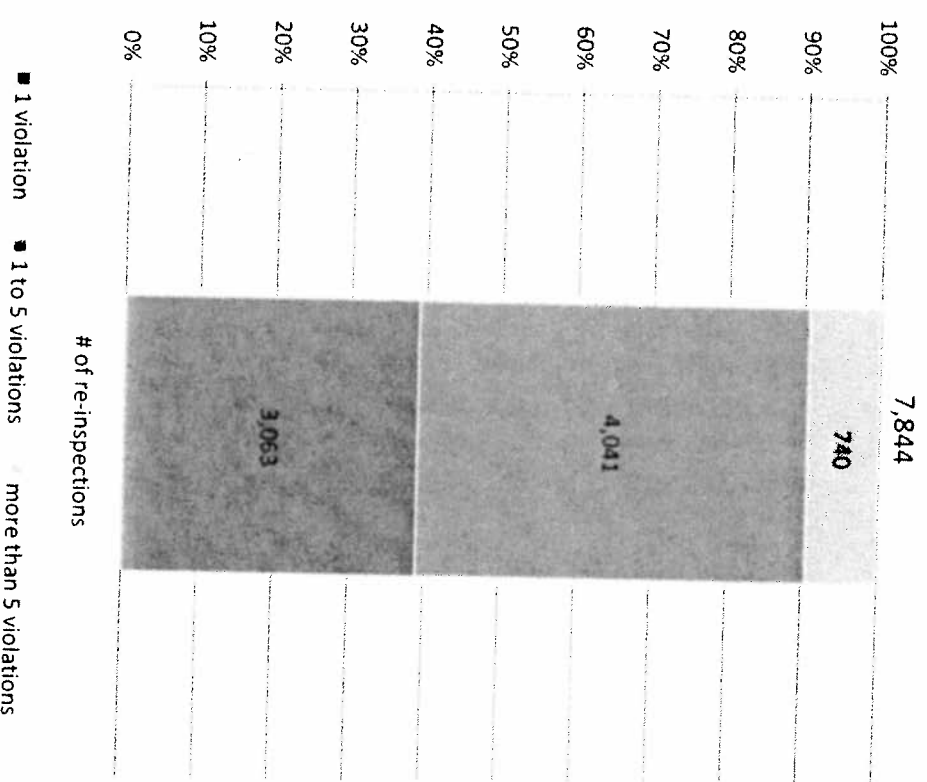
Initial inspection fee of \$344K is assessed based on time required by property type

Inspection time (hours) by fixed property use		High-Rise	Non-High-Rise
Business Locations (<i>special hazard/ high-rise</i>)*		12.0	1.5
Dwellings (residential and commercial)*		10.0	1.5
Education Facilities		N/A	3.0
Healthcare Facilities		8.0	4.5
Manufacturing Facilities		N/A	4.5
Other		1.5	1.5
Outside Properties		N/A	1.5
Places of Public Assembly (open flames & candles)*		2.0	2.0
Storage/Warehouses		2.5	2.5
Utility Facilities		2.0	2.0

Note: N/A denotes type of properties that do not have high rises

Increasing re-inspection fees for fire code violations can increase cost recovery \$564K

Re-inspections by # of violations (2009)



Note: Does not include inspections at the airport or evening safety observations
Source: 2009 Inspections Record

- AFR conducted 3 re-inspections per each initial inspection in 2009
- Imposing a of \$200 per re-inspection if violations were not corrected (4 hours of labor) allows
 - AFR to resource properly for re-inspections
 - Encourage compliance of fire safety rules & regulations
 - Reduce community risk of fire hazards

Charging \$50 per hour will recover 71% cost of Fire & Life Safety Inspection Services

	Hourly rate = \$50	Hourly rate = \$75	Hourly rate = \$80
Current fees:	\$218,021	\$218,021	\$218,021
Permit processing fee (administrative):	\$66,825	\$66,825	\$66,825
Increase in permit fees:	\$145,056	\$145,056	\$145,056
Impose initial inspection fees:	\$343,743	\$515,614	\$550,897
Impose re-inspection fees:	\$549,080	\$823,620	\$879,979
Total anticipated <u>cost recovered</u> / revenue:	\$1,322,725	\$1,769,136	\$1,860,778
Cost Recovery Ratio:	71%	95%	100%

Total budget \$1,860,778

Appendix: hourly rate calculation

Internal and External Overhead Charges

<u>Internal Charges</u>	<u>No.</u>	<u>Mid-range</u>
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35
Total	19	

Average hourly rate

\$ 22.56

Total hourly expense including benefits

Benefits

59.33%

\$ 35.95

External Charges

Budget Related Items	\$ 78,549
Technology fees	\$ 30,000
Overhead*	\$ 248,762
Total external cost	\$ 357,311
Per inspector	\$ 18,806
# of work days	252
Per work day	\$ 74.63
Per hour	\$ 9.33

Total:

\$ 45.27

*including training, admin support, captain overseeing the division

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to assess and collect fees for fire inspections, fire plan review, and fire permits pursuant to O.C.G.A., Title 25, Chapter 2, Sections 25-2-4.1 and 25-2-12.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to O.C.G.A., Title 25, Chapter 2, Section 25-2-12, Subsection (a)(2) ("O.C.G.A. §25-2-12") the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare by requiring fire inspections, fire plan reviews, and fire permits; and

WHEREAS, the portion of Chapter 78, Article III, Section 78-57 ("§78-57"), Subsection (b) of the Code of Ordinances of the City of Atlanta, entitled 105.6.7 (Fees) sets forth the schedule of fees regarding fire inspection, fire plan review, and fire permits ("Fees") that the City of Atlanta Fire Rescue Department through the Fire Inspections Bureau shall charge for fire inspections; and

WHEREAS, certain fire safety inspections, plan reviews, and issues fire permits are not set out in the schedule of fees but are authorized pursuant to O.C.G.A. §25-2-12 (a)(2) and City of Atlanta Code of Ordinances §78-57; and

WHEREAS, the Fire Inspections Bureau of the City of Atlanta Fire Department exists solely to perform fire safety inspections, plan reviews, and issues fire permits in compliance with O.C.G.A. §25-2-12 (a)(2); and

WHEREAS, the City has experienced significant growth since 2002 without any fee adjustments to fire inspections, fire plan reviews, and fire permit services; and

WHEREAS, the City's cost to provide fire inspections, fire plan reviews, and fire permit services has increased; and

WHEREAS, the City desires to increase existing fire inspection, fire plan review, and fire permit fees and establish authorized fire inspection, fire plan review, and fire permit fees to recover the Fire Inspection Bureau's costs of these related services by imposing fees established by a fee study conducted by the Atlanta Fire Rescue Department and attached hereto as Exhibit 'A'; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.7 (Fees) (attached hereto as Exhibit B) be deleted in its entirety and replaced as follows:

Section 105.6.47 Fees.

- (a) The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge and collect fees, on a yearly, one time or location basis for the issuance of permits or activities including storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

In addition to the annual fees described in §105.6.47, a \$25.00 application fee shall be charged.

1. **FIRE SAFETY INSPECTION:**

A. **Business Structures:**

In accordance with O.C.G.A. §25-2-12 (2) fire inspection shall be performed in order to issue permits or authorize occupancy as required. The annual fees therefore shall be as follows:

- i. There shall be an *inspection* fee of \$50 for a business having up to 3,000 square feet.
- ii. There shall be an *inspection* fee of \$100 for a business having 3,001 square feet to 5,000 square feet.
- iii. There shall be an *inspection* fee of \$150 for a business having 5,001 square feet to 10,000 square feet.
- iv. There shall be an *inspection* fee of \$200 for a business having more than 10,000 square feet.

B. **High-Rise Structures:**

- i. There shall be an *inspection* fee of \$ \$250 for a High-rise 12 stories or less
- ii. There shall be an *inspection* fee of \$400 High-rise 13 to 40 stories or less
- iii. There shall be an *inspection* fee of \$550 for a High-rise 41 stories or greater

2. **OPERATIONAL PERMITS:** Operational permits are required to conduct certain operations or businesses. In addition to Fire inspection fees, operational fees may be required for certain activities as listed. Multiple operations performed at the same location shall be charged a single inspection fee pursuant to §105.6.47 (a)(1). However, each operation shall be individually accessed permit fees and may incur cumulative fees. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12(2).

Permit approvals subject to site inspection.

OPERATIONAL PERMITS			
Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee : Note (not including inspection)
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100--500 cubic feet--\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200--1,000 cubic feet--\$22.00; 1,000+ cubic feet--\$13.00 per 1000 cubic feet. Nonflammable: 6,000--10,000 cubic feet- \$18.00; 10,000+ cubic feet--\$13.00 per 1,000 cubic feet. (Permit not required	22.00 18.00	180.00 180.00

	for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)		
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00

	OPERATIONAL PERMITS FEES CONTINUED.		
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	<u>\$100</u>	\$100	\$100
Blasting permits	\$100 (per location) City wide permit \$166.00	90.00	\$166.00
Flammable finishes	Dip Tanks--\$42.00 per tank.	42.00	222.00
	Spray booths--\$42.00 per booth not exceeding 25 sq. ft.	42.00	222.00
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Tank storage--\$.036 per gallon of flammable liquid or combustible liquid ; (per tank)	4.50	
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit--\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55--110 gallons--\$22.00; 110--500 gallons--\$42.00; 500+ gallons--\$66.00	22.00	66.00

	Oxidizing materials: 500--1,000 pounds-- \$42.00 1,000+ pounds- \$66.00	42.00	66.00
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	OPERATIONAL PERMITS FEES CONTINUED		
	Organic peroxides: 10--50 pounds-\$22.00 50--100 pounds--\$42.00 100+ pounds--\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials--\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LPG or LNG	Tank storage: \$0.036 per gallon of LP or LNG liquid (per tank)	4.50	
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
<u>Fleet motor-fuel dispensing operations</u>	1-3 vehicles 4-6 vehicles 7-10 vehicles 11 or more vehicles	50.00 100.00 150.00 200.00	
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00
Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
<u>Exhibit & Trade Shows</u>	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans, <i>includes site inspection. Activity not allowed in non-permitted facilities.</i>	79.00	79.00

Places of public assembly	Permit for occupant load--\$42.00, plus \$0.42 per area permitted:	42.00	
<u>Special Hazard Structures</u>	Buildings presenting special hazards to persons or property per O.C.G.A. § 25-2-13	\$50.00	\$150.00
Combustible material	2,500--5,000 cubic feet--\$42.00; 5,000+ cubic feet--\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25--100 pounds--\$22.00; 100+ pounds--\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location--\$42.00 City wide permit--\$14.00	42.00	114.00
Tent/carnival	Per location; <u>Having up to 400 sq. ft = \$50.00</u> 401 - 1,500 sq. ft = <u>1,501 - 3,000 sq. ft =</u> <u>3,001 - 6,000 sq. ft =</u> <u>6,001 - 9,000 sq. ft =</u> <u>More than 9,001 sq. ft =</u>	<u>\$100</u> <u>\$150</u> <u>\$200</u> <u>\$250</u> <u>\$300</u>	
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500--5,000 sq. ft.--\$42.00 5,000+ sq. ft.--\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
<u>Open flames & candles</u>	To use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	50.00	50.00

3. **CONSTRUCTION PERMITS:** *As authorized pursuant to O.G.C.A. 25-2-4.1 and City of Atlanta Code §78-57*, a construction permit allows the applicant to install or modify fire protection systems and equipment for which a fire permit is required by this section. Application for permit shall be made to the Atlanta Fire Department and shall be accompanied by plans for review. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12 (2).

These fees are separate and in addition to any Bureau of Building permit fees.

CONSTRUCTION PERMITS PLANS REVIEW FEE SCHEDULE			
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	SQUARE FOOTAGE OF PROJECT	DESCRIPTION
TENANT FINISH OR IMPROVEMENT	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to modify, change, or alter the interior of any commercial building.
	\$150	Over 10,000 sq. ft.	
NEW BUILDING CORE & SHELL OR BUILDING ADDITION	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to construct or add to the total area of any building other than single-family or two-family residences. Includes site inspections for 80% completion, 100% completion and one follow-up inspection if needed prior to opening.
	\$150	10,001 - 100,000 sq. ft.	
	\$200	100,001 - 150,000 sq. ft.	
	\$225	Over 150,001 sq. ft.	
NEW PARKING STRUCTURE	1/3 of New Building Fee	N/A	New parking structure built as part of new building complex.
	1/2 of New Building Fee	N/A	New parking structure built separately.
SITE DEVELOPMENT	\$100.00	N/A	New development activity to ensure emergency vehicle access in compliance with code.
DEMOLITION	\$100	N/A	To obtain a construction permit to conduct demolition operations.
PLACES OF PUBLIC ASSEMBLY	\$75.00	N/A	Plan review for permit issuance to operate a room or areas as a place of assembly in compliance with life safety code. Note: Fees required for each separate set of plans

CONSTRUCTION PERMITS cont'd		
FIRE PROTECTION EQUIPMENT AND SYSTEMS INSPECTION FEE SCHEDULE		
TYPE OF INSPECTION	INSPECTION FEE	DESCRIPTION
FIRE PROTECTION UNDERGROUND FIRE LINE	\$100	To perform inspections for 80% and 100% for approval to extend, modify, or alter an underground fire service main (underground fire lines).
AUTOMATIC SPRINKLER SYSTEMS 13, 13R & 2001	\$75	To perform inspections for 80% and 100% for approval for new automatic sprinkler system in a multi-family residence, hotel, business or commercial facility.
FIRE PUMP	\$150	To obtain a construction permit to install a fire pump.
STANDPIPE	\$100	To obtain a construction permit to install a standpipe system.
FIRE ALARM SYSTEM NEW	\$125	To obtain a construction permit to install or modify a fire alarm system.
FIRE ALARM SYSTEM CERTIFICATION	\$50.00 Annually	To ensure approved fire alarm systems are properly maintained and serviced. Prior to system being put in service an approved system certification is required to identify qualified service personnel responsible for system inspection, testing and/or maintenance. Fire alarm systems shall be inspected, tested & certified annually.

EXIT/ACCESS CONTROL SYSTEMS	\$ 50	To obtain a construction permit to install or modify an access control systems in all commercial occupancies.
HOOD & DUCT FIRE PROTECTION SYSTEMS	\$150	To obtain a construction permit to install a hood and duct fire extinguishing system for commercial cooking operations.
FIRE HYDRANT	\$100	To review and approve fire hydrant locations for water supplies.
WATER TANKS FOR FIRE PROTECTION	\$150	To obtain a construction permit to install water tanks for private fire protection in accordance with NFPA 22.
VEHICLE ACCESS GATES	\$50	To obtain a construction permit to approve emergency vehicle access gates.

CONSTRUCTION PERMITS cont'd		
HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
HAZARDOUS MATERIAL	\$250	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility, regulated by the fire code when the hazardous materials in use or storage exceed the amounts listed
AST OR UST REMOVAL	\$100	To obtain a construction permit to remove, abandon or place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.
AST OR UST INSTALLATION	\$150	To obtain a construction permit to install, construct, or alter tanks or equipment used for storage of flammable or combustible liquids that are part of a motor vehicle fuel dispensing facility.
BULK FUEL TANK INSTALLATION	\$250	To obtain a construction permit to install, construct, or alter tank or equipment used for the storage of flammable or combustible liquids.
FUEL DISPENSERS	\$150	To obtain a construction permit to install and operate fuel dispensers.
BATTERY SYSTEM (UPS)	\$100	To obtain a construction permit to install a stationary lead-acid battery system having a liquid capacity of more than 100 gallons.
COMPRESSED GAS SYSTEMS	\$150	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system.
LP-GAS INSTALLATION PERMANENT OR TEMPORARY	\$125	To obtain a permit to install permanent LP-gas systems or containers permanently, or for a period of less than six months.

HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE, continued		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
MEDICAL GAS SYSTEM	\$150	To obtain a construction permit to install a nitrous oxide and/or oxygen medical gas system in compliance with NFPA 99.
REFRIGERATION EQUIPMENT	\$150	To obtain a construction permit to install a refrigeration system regulated by the fire code.
SPRAY BOOTHS, SPRAY ROOMS OR MIXING ROOMS	\$150	To obtain a construction permit to install booths or equipment, or construct rooms used for mixing, spraying, dipping or drying of flammable or combustible liquids.

CONSTRUCTION PERMITS MISCELLANEOUS SERVICES/ INSPECTION FEE SCHEDULE		
TYPE OF CHARGE	FEE	DESCRIPTION
TEMPORARY ACCESS ROAD AGREEMENT	\$ 50 - 30 days \$ 75 - 60 days \$125 - more than 90 days	To obtain a construction permit to install a temporary access road in compliance with fire department standards for a specific time period.
REMOVAL OF STOP WORK ORDER	\$100 For 1st offense; double the previous fee thereafter	To remove a "Stop Work Order" issued by the fire department.
AFTER HOURS INSPECTION/PLAN REVIEW	\$75.00 per /hr	Upon request of a contractor or building owner, the fire department performs an inspection before or after the normal business hours of 08:00 and 16:00, Monday - Friday, or any time on weekends.
ADDITIONAL PLAN REVIEW	\$75	This fee shall be paid for the review of plans when changes are made to plans that have been previously approved.
MISCELLANEOUS PLAN REVIEW/	\$50	This fee is assessed when there is no other applicable fee

INSPECTION FEE		indicated.
EXPEDITED PLAN REVIEW OR INSPECTION	\$100 per/hr 1-hr. min.	Upon request of a contractor or building owner for expedited inspection and/or plan review services performed by fire department.
RE-ISSUE PERMIT CARD	\$50	To re-issue a permit card
CERTIFICATE OF OCCUPANCY	\$100	This fee is assessed in compliance with IFC, Sec 105.3.3 and O.C.G.A. § 25-2-4.1 (Fire Safety Fee's & Charges) for issuance of permit indicating applicable provisions of the fire code have been met NOTE: Request for temporary use permits may be granted provided all fire protection equipment have been tested & approved and subject to additional fee's.
CROWD MANAGER CERTIFICATION	\$100	This fee is assessed in compliance with IFC, Sec. 408.2.3, for assembly occupancies having occupant loads of 100 or more, is required to have a minimum of one trained crowd manager. This fee shall be renewed annually. NOTE: Operational permits for places of assembly shall not be renewed without a designated crowd manager certification.
FIRE SAFETY TRAINING	\$100 Fire extinguisher training	This fee is assessed for businesses requesting employee fire safety & prevention training in accordance with fire code, sections 406.

- (b) Re-inspections Fee: A re-inspection fee of \$200.00 shall be imposed for each additional inspection if a violation(s) stated in the initial written notice has not been corrected.
- (c) Open Records Request Fee: A fee of \$40.00 shall be imposed for each open records inquiry including but not limited to: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Section 2: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

Section 3: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

Exhibit A

10-0-0729

EXHIBIT -(A) EXISTING FEE TABLE

Section 105.6.47 Fees.

(a)

The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge fees, on a yearly, one time or location basis for the issuance of permits for certain activities or storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

The minimum fee for inspection and permit issuance for any activity not listed shall be \$36.00.

Permit Classification	Basis of Determining Fee	Minimum	Maximum
		Fee	Fee
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100—500 cubic feet-\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200—1,000 cubic feet-\$22.00; 1,000+ cubic feet—\$13.00 per 1000 cubic feet.	22.00	180.00
	Nonflammable: 6,000—10,000 cubic feet- \$18.00; 10,000+ cubic feet—\$13.00 per 1,000 cubic feet. (Permit not required for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)	18.00	180.00
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	\$90.00	90.00	90.00
Blasting permits	\$90.00 (per location) City wide permit\$156.00	90.00	156.00
Flammable finishes	Dip Tanks—\$42.00 per tank.	42.00	222.00
	Spray booths-\$42.00 per booth not exceeding 25 sq.	42.00	222.00

	ft.		
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Dual component coating	66.00	66.00
Flammable and combustible liquids	Plan review—Tank removal installation A/G and U/G;	66.00	66.00
Flammable and combustible liquids	Tank storage—\$.036 per gallon of flammable liquid or combustible liquid	4.50	\$132.00
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit—\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55—110 gallons—\$22.00; 110—500 gallons—\$42.00; 500+ gallons—\$66.00	22.00	66.00
	Oxidizing materials: 500—1,000 pounds—\$42.00 1,000+ pounds—\$66.00	42.00	66.00
	Organic peroxides: 10—50 pounds—\$22.00 50—100 pounds—\$42.00 100+ pounds—\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials—\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LP gases or LNG	Plan review for installation	66.00	66.00
	Tank storage: \$.036 per gallon of LP or LNG liquid	4.50	132.00
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00

Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
Places of public assembly	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans	43.00	43.00
Places of public assembly	Permit for occupant load—\$42.00, plus \$0.42 per person	42.00	222.00
Site development	Plan review	43.00	43.00
Combustible material	2,500—5,000 cubic feet—\$42.00; 5,000+ cubic feet—\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25—100 pounds—\$22.00; 100+ pounds—\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location—\$42.00 City wide permit—\$14.00	42.00	114.00
Tent/carnival	Per location	66.00	66.00
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500—5,000 sq. ft.—\$42.00 5,000+ sq. ft.—\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
Organic coating	\$66.00	66.00	66.00

(b)

A re-inspection fee of \$36.00 shall be imposed for each re-inspection if a violation stated in the initial written notice has not been corrected.

(c)

A fee of \$40.00 shall be imposed for each open records inquiry including: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Exhibit B

10-0-0729

Assumptions		
Public assembly permits		
% at max fee need additional capacity		75%
Current max fee	\$	222
Tank storage permits		
% at max fee need additional capacity		75%
Current max fee	\$	132
Hourly rate for inspection & re-inspection	\$	50
# of night observations (2009)	\$	1,215
Permit processing fee	\$	25
# of permits issued (non-exempt)		2,673
Inspection time requirement based on fixed property use		
Business Locations	High-Rise	Non-High-Rise
Dwellings (residential and commercial)	12.0	1.5
Education Facilities	10.0	1.5
Healthcare Facilities	8.0	3.0
Manufacturing Facilities		4.5
Other	1.5	4.5
Outside Properties		1.5
Places of Public Assembly	2.0	1.5
Storage/Warehouses	2.5	2.0
Utility Facilities	2.0	2.5
Re-inspection time requirement based on # of violations		2.0
all violations		4.0
% of violations not corrected the 1st time		35%
Current inspection/permit fees:		
Permit processing fee (administrative)	\$	218,021
Increase in permit fees:	\$	66,825
Impose initial inspection fees:	\$	145,056
Impose re-inspection fees:	\$	343,743
Total inspection unit revenue:	\$	549,080
	\$	1,322,725
Total inspections unit budget		
	\$	1,860,778
	\$	(538,053)

Internal Charges

Average hourly rate

Benefits

59.33%

\$ 35.95

Budget Related Items

\$ 78,549

\$ 30,000

\$ 248,762

\$ 357,311

\$ 18,806

252

\$ 74.63

\$ 9.33

Total:

\$ 45.27

*including training, admin support, captain overseeing the division

Fire inspections unit operates with a \$1.9M annual budget

Personnel/Training			
#	Item	Unit cost	Amount
1	Captain (Sworn)	\$ 112,496	\$ 112,496
10	Lieutenants (Sworn)	\$ 97,447	\$ 974,473
9	Spezialists—Fire Inspectors (Civilian)	\$ 62,110	\$ 558,994
2	Admin Assistant (Civilian)	\$ 62,533	\$ 125,066
8	NFPA Inspector I Test	\$ 350	\$ 2,800
8	Renewal Fee	\$ 150	\$ 1,200
8	Recertification Fees	\$ 150	\$ 1,200
12	State Fire Inspector training	\$ 500	\$ 6,000
Total Personnel/Training			\$ 1,782,229

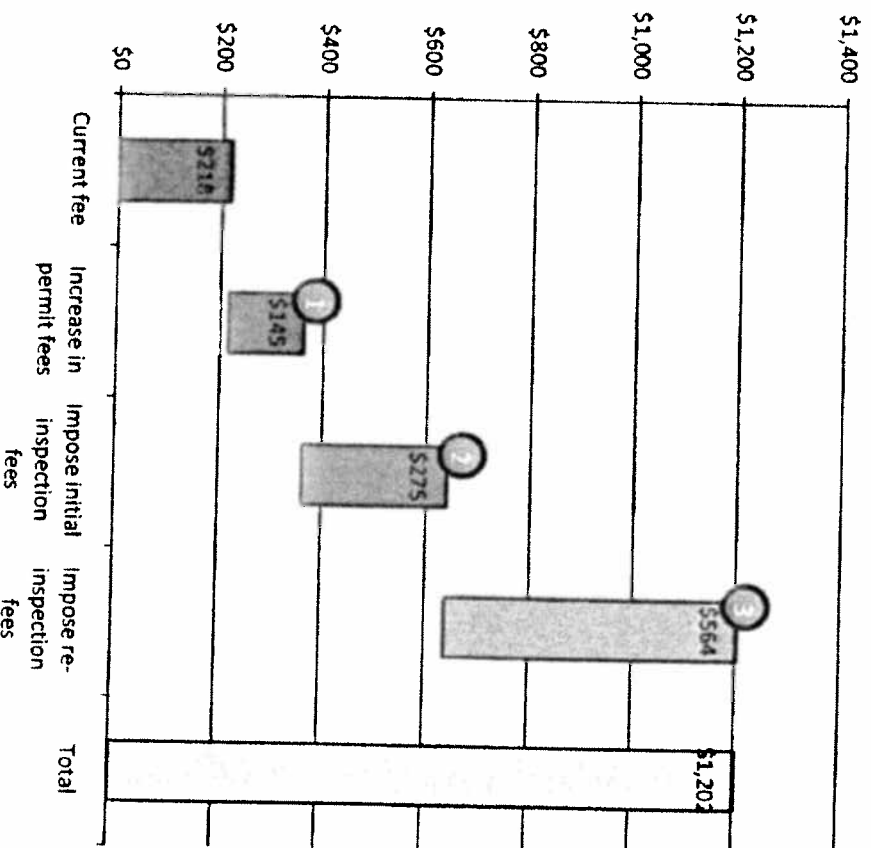
Operations		
Budget code	Description	Amount
5212001	Consultant	\$ 4,320
5234001	Printing & Binding	\$ 3,200
5237002	Training Registration	\$ 1,100
5311001	Consumable	\$ 2,081
5311002	Non-consumable	\$ 2,180
5316005	Computer (\$1,000-4,999)	\$ 17,906
5317003	Supplies, Small Parts	\$ 500
5510001	Motor Equip.	\$ 20,270
5510002	PM/Repairs	\$ 26,992
Total Operations		\$ 78,549

Total budget	\$ 1,860,778
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Source: 2009-2010 budget; Fire Inspection Unit Business Plan

Three changes to the fire inspection fee structure will generate an additional \$1M

Fire Inspection Unit fees by type (\$K)



Current practice

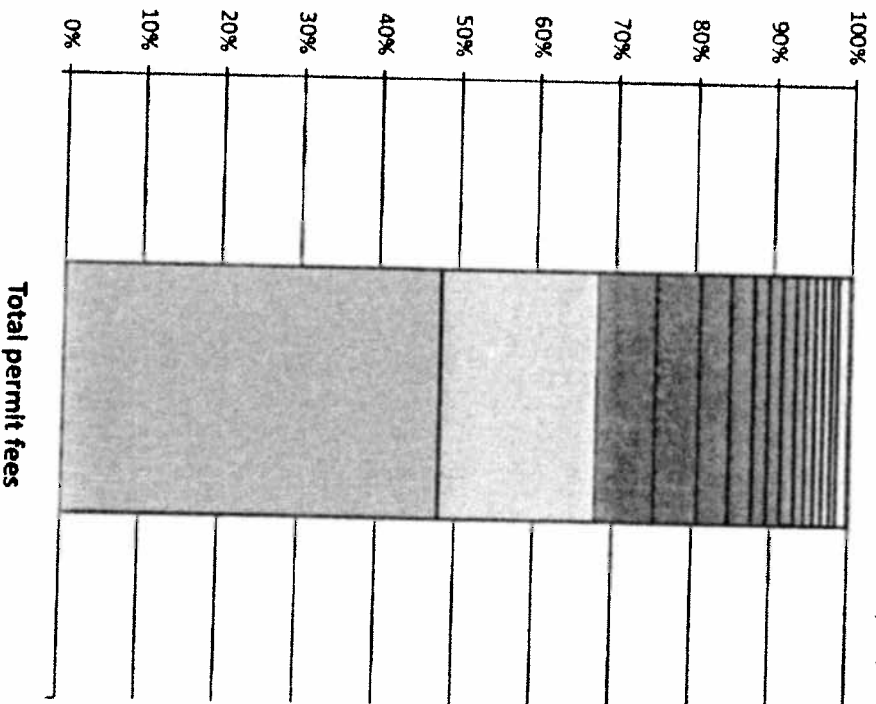
- Fire Inspection Unit conducts inspections prior to issuing Fire Safety Permits
- Inspections Unit only charges for permit issuance, not for initial inspections or re-inspections
- Inspections Unit issued 2937 permits and charged for \$218K in 2009

Proposed changes to permit/inspection fee structure

- Remove maximum fee cap and charge per unit (i.e. tank or event-public assembly area) for two permit types with highest revenue (\$145K)
- Impose initial inspection fee for all permit inspections (\$275K)
- Impose re-inspection fee based on number of violations identified at initial inspection (\$564K)

Of the \$220K permit fees charged in 2009, *Public Assembly & Tank Storage* permits accounted for ~70%

Fire Safety Permit fees by type of permit (\$K, 2009)



Note: Permit type generating less than \$1000 total in 2009 not included in chart
Source: 2009 Permit Record

- Other (\$3.5K)
- DRY CLEANING (\$1.5K)
- COMPRESSED GASES/NON-FLAMMABLE (\$2.3K)
- INDUSTRIAL BAKING OVEN (\$2.3K)
- LP GASES OR LNG (\$2.6K)
- FLAMMABLE LIQUID - SAFETY CANS (\$3.1K)
- FLAM. FINISHES SPRAY BOOTHS (\$3.6K)
- HAZARDOUS CHEMICALS-CORROSIVES (\$3.8K)
- HIGH PILED COMBUSTIBLE STOCK (\$4.1K)
- COMBUSTIBLE MATERIALS (\$6.7K)
- FLAMMABLE LIQUID-MISCELLANEOUS (\$8.6K)
- FLAMMABLE LIQUID -DRUM STORAGE (\$11.9K)
- COMPRESSED GASES FLAMMABLE (\$15.9K)
- FLAMMABLE LIQUID--TANK STORAGE (\$43.6K)
- PLACE OF PUBLIC ASSEMBLY (\$104.5K)

③ Removing maximum fee and charge per unit for *Public Assembly & Tank Storage* permits increase permit fee by \$165K

PLACE OF PUBLIC ASSEMBLY	
# of permits at capacity	100
% over capacity	75%
# of permits qualified for new fee	75
current max fee	
incremental fee per unit	\$ 222
	\$ 181
total incremental revenue	\$ 13,611

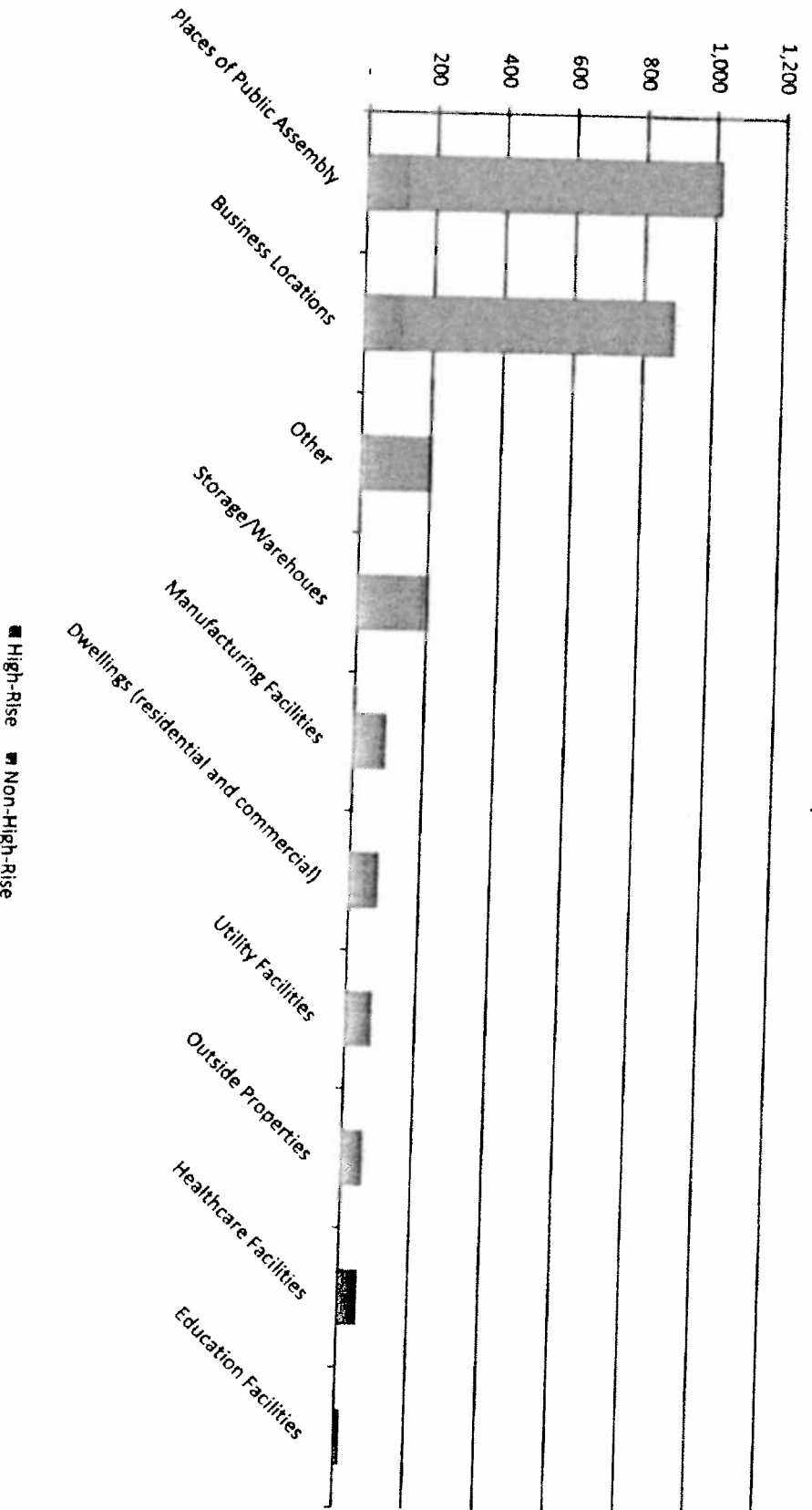
FLAMMABLE LIQUID -TANK STORAGE	
# of permits at capacity	269
% over capacity	75%
# of permits qualified for new fee	202
current max fee	
incremental fee per unit	\$ 132
	\$ 652
total incremental revenue	\$ 131,445

Note: Assumed only 75% of current permits at max fee would need additional capacity; incremental fee per unit estimated with a sample of permit records
Source: 2009 Permit Record



Inspections unit conducted 2,673 non-exempt initial inspections in 2009

of initial inspections by Fixed Property Use (K, 2009)



Source: 2009 Inspections Record

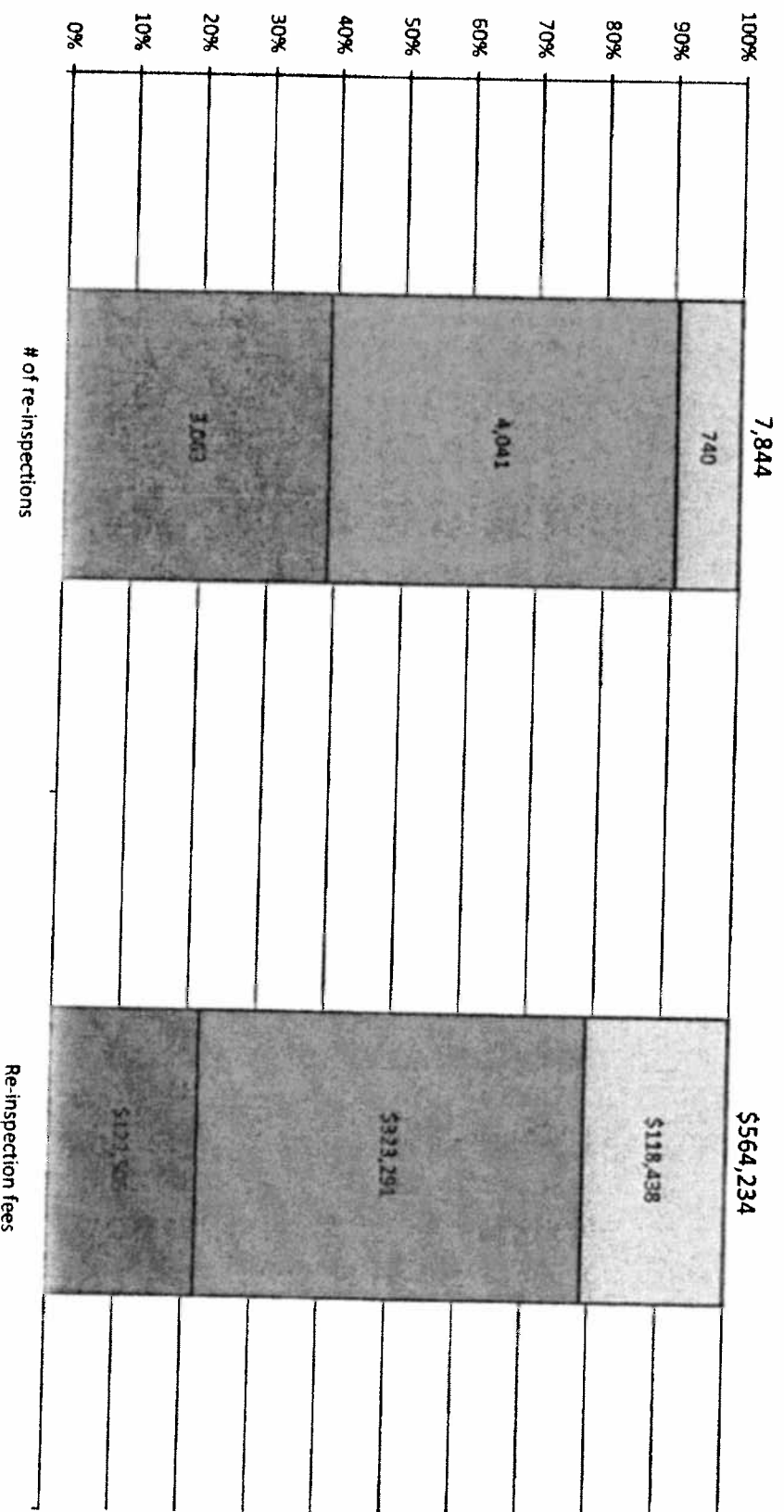


Imposing initial inspection fee based on Fixed Property Use generates \$275K

Inspection fee schedule by fixed property use		High-Rise		Non-High-Rise	
Business Locations	\$	480	\$	60	
Dwellings (residential and commercial)	\$	400	\$	60	
Education Facilities	\$	-	\$	120	
Healthcare Facilities	\$	320	\$	180	
Manufacturing Facilities	\$	-	\$	180	
Other	\$	60	\$	60	
Outside Properties	\$	-	\$	60	
Places of Public Assembly	\$	80	\$	80	
Storage/Warehouses	\$	100	\$	100	
Utility Facilities	\$	80	\$	80	

Imposing re-inspection fees based on count of violations generates \$582-564K

Re-inspection and proposed fees by # of violations per re-inspection



Note: Does not include inspections at the airport or evening safety observations
Source: 2009 Inspections Record

Re-inspection fee schedule

# of violations	# of re-inspections in 2009	Re-inspection fee
1 violation	3,063	\$40
1 to 5 violations	4,041	\$80
more than 5 violations	740	\$160

Charging \$71 per hour for inspections closes the gap between budget and revenue anticipation

	Hourly rate = \$40	Hourly rate = \$50	Hourly rate = \$60	Hourly rate = \$71
Current fees:	\$218,021	\$218,021	\$218,021	\$218,021
Increase in permit fees:	\$145,056	\$145,056	\$145,056	\$145,056
Impose initial inspection fees:	\$ 74,994	\$343,743	\$412,491	\$490,177
Impose re-inspection fees:	\$ 564,234	\$705,293	\$846,351	\$1,005,748
Total anticipated revenue:	\$ 1,202,305	\$1,412,112	\$1,621,919	\$1,859,002

Total budget	\$1,860,778
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Appendix: hourly rate calculation

Internal and External Overhead Charges

Internal Charges

	<u>No.</u>	<u>Mid-range</u>
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35
Total	19	\$45.10

Average hourly rate $45.10/2 = 22.55$

Total hourly expense including benefits - $22.55 \times (1+59.33\%) = 35.93$

External Charges

Budget Related Items Total -	$78549(\text{Budget Items})/19 \text{ (Inspectors)} = 4134.16$
	$4134.16/252 \text{ (Days/per year)} = 16.40$
	$16.40/8 \text{ (hourly)} = 2.05$

Grand Total = $35.93 + 2.05 = 37.98$ or **\$38 per hour**



GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Variance		
Administrative Variance Application		\$100
Revision		
Fire Permit Plan Revision		\$50
Certificates		
Certificate of Occupancy (C.O.)	Tenant Buildings	\$100
	Tenant Interior Space Alterations	
	Tenant Change	
Certificate of Completion (C.C.)	Shell Building	\$50
	Spec Space	
Temporary Certificate of Occupancy (T.C.O.)		\$50
Burn Permit		
Burn Permit		\$500
Site		
Site Plan Review		\$100
Shell Fire Permit		
Shell Building (Sprinklered)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 30,000 sq. ft.	\$300
	30,001 - 100,000 sq. ft.	\$0.015 per square foot
	Greater than 100,000 sq. ft.	\$0.020 per square foot
Shell Building (NonSprinklered)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 30,000 sq. ft.	\$450
	30,001 - 100,000 sq. ft.	\$0.023 per square foot
	Greater than 100,000 sq. ft.	\$0.030 per square foot
Interior Finish Fire Permit		
Assembly Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	Greater than 10,000 sq. ft.	\$250
Assembly Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	Greater than 10,000 sq. ft.	\$375
Business, Mercantile, DayCare & Educational Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	25,001 - 50,000 sq. ft.	\$300
	Greater than 50,000 sq. ft.	\$400
Business, Mercantile, DayCare & Educational Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	25,001 - 50,000 sq. ft.	\$450
	Greater than 50,000 sq. ft.	\$600

Revised 3/23/10



GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Interior Finish Fire Permit (continued)		
Industrial and Storage Occupancy (Sprinklered Building)	Up to 30,000 square feet (floor area)	\$200
	30,001 - 50,000 sq. ft.	\$300
	50,001 - 100,000 sq. ft.	\$350
	Greater than 100,000 sq. ft.	\$400
Industrial and Storage Occupancy (NonSprinklered Building)	Up to 30,000 square feet (floor area)	\$300
	30,001 - 50,000 sq. ft.	\$450
	50,001 - 100,000 sq. ft.	\$525
	Greater than 100,000 sq. ft.	\$600
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	Greater than 25,000 sq. ft.	\$300
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	Greater than 25,000 sq. ft.	\$450
Supplemental Fire Permit		
NonHigh-Rise, Multi-Storied Buildings - All Occupancies	Sprinklered Building	\$32.00 per floor level
	NonSprinklered Building	\$48.00 per floor level
High-Rise Buildings - All Occupancies		\$1,280
Specialty Fire Permit		
Hazardous Materials-quantities over the exempt amounts		\$64.00
Commercial Kitchen Hood/Duct		\$100.00 per hood
Specialized Fire Extinguishing Systems including FM-200, Intergen, Halon, Carbon Dioxide, Dry Chemical, Water-Foam, and Water-Mist	0 - 10 Devices	\$128
	11 - 25 Devices	\$256
	26 - 50 Devices	\$384
	More than 50 Devices	\$512



**GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Specialty Fire Permit (continued)		
New Fire Sprinkler System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Sprinkler System for Tenant Alterations/Additions	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256
Fire Standpipe System	Up to 4 Outlets	\$64
	Each Additional Group of 1-4 Outlets	\$32
New Fire Alarm and Detection System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Alarm and Detection System for Tenant Alterations/Additions	0 - 20 Devices	\$64
	21 - 50 Devices	\$128
	51 - 100 Devices	\$192
	More than 100 Devices	\$256
Fire Sprinkler Pump		\$64
Fireworks/Pyrotechnics		\$250 per event
Tents and Temporary Structures		\$50
Storage Racks	Up to 500 square feet (floor area)	\$0
	501 - 12,000 sq. ft.	\$100
	12,001 - 20,000 sq. ft.	\$150
	20,001 - 500,000 sq. ft.	\$200
	Greater than 500,000 sq. ft.	\$300
Storage Racks with In-Rack Sprinklers	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Public Safety & Legal Administration Committee

Caption:

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: April 27, 2010

Requesting Dept.: The Department of Fire Rescue

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to increase its existing fees for fire inspections, fire plan reviews, and fire permits.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The department of Fire Rescue is requesting to amend Chapter 78, Article III Section 78-57, subsection (b) of the Code of Ordinances by increasing existing fees for fire inspections, fire permits, and fire plans review. The existing fees have not been modified in over 15 years and this legislation allows the City to align with existing cost for services.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA

(b) **Source Selection:** NA

(c) Bids/Proposals Due: NA

(d) Invitations Issued: NA

(e) Number of Bids: NA

(f) Proposals Received: NA

(g) Bidders/Proponents: NA

(h) Term of Contract: NA

4. Fund Account Center (*Ex. Name and number*): NA

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant* NA

6. Fiscal Impact: Shall increase and establish fees related to fire inspections, fire plan reviews, and fire permits.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Revenues generated from the collected fees under this legislation will be used to support the General Fund.

This Legislative Request Form Was Prepared By: Wilmond Meadows

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Legislative Counsel: s/Kristi D.A. Matthews

Contact Number: 404-330-6493

Originating Department: Department of Law

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: April 13, 2010

Anticipated Committee Meeting Date(s): April 27 and May 11, 2010

Anticipated Full Council Date: May 17, 2010

Commissioner Signature _____

Chief Procurement Officer Signature N/A

CAPTION

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Shall increase and establish fees related to fire inspection, fire plan review, and fire permits.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 4.14.10 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)


Entered - 11/18/09 - sb
CL - 09L0900 - Angelena Kelly

10- R -0839

Claim of: Michael Hopkins
395 Mt. Zion Road
Atlanta, GA 30354

For damages alleged to have been sustained as a result of a fire
hydrant leak on September 28, 2009 at 395 Mt. Zion Road.

THIS ADVERSED REPORT IS APPROVED

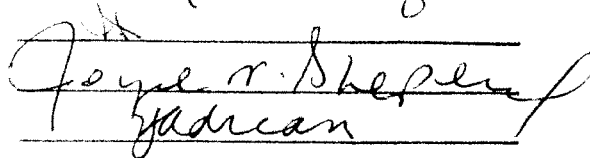
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/10

CHAIR: 
A. D. Smith


J. R. Shepherd
Chairman

Letter to Public Safety by Hill Council
5/17/2010

F-1

A RESOLUTION

10- R -0954

10-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF WESTREX CORPORATION V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009-CV-164800, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$2,500,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Westrex Corporation filed a lawsuit, *Westrex Corporation vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, its property sustained damages resulting from a sewer backup;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount;

WHEREAS, Plaintiff has agreed to accept \$2,500,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney considers it to be in the best interest of the City of Atlanta to pay the amount of \$2,500,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1 The City Attorney is hereby authorized to settle and execute all documents in the case of *Westrex Corporation vs. City of Atlanta*, Fulton County

Superior Court, Civil Action File No. 2009-CV-164800 in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Westrex Corporation. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Kopelman Sitton Law Group, as attorneys for Westrex Corporation*, 950 East Paces Ferry Road, Suite 3250, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

#####

A RESOLUTION

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

10- R -0955

**A RESOLUTION AMENDING RESOLUTION NUMBER
10-R-0535 SO AS TO CORRECT THE AMOUNT OF
DAMAGES CONTAINED IN SAID RESOLUTION
FROM \$3,500.00 TO \$1,840.58 IN SETTLEMENT OF
THE CLAIM OF YVETTE DENNIS AGAINST THE
CITY OF ATLANTA; AND FOR OTHER PURPOSES**

WHEREAS, the City Council adopted Resolution Number 10-R-0535 on April 19, 2010 authorizing payment to YVETTE DAVIS for property damages alleged to have been sustained as a result of an automobile accident on November 19, 2009 at 1501 Lee Street, SW.

WHEREAS, the resolution authorized payment to YVETTE DAVIS in the amount of \$3,500.00, but actual damages in the amount of \$1,840.58 were inadvertently omitted;

THEREFORE, BE IT RESOLVED that Resolution Number 10-R-0535 be hereby amended.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$1,840.58 be paid by the City of Atlanta in satisfaction of any and all claims YVETTE DAVIS may have against the City of Atlanta as a result of an automobile accident on November 19, 2009 at 1501 Lee Street, SW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1001/200101/5212005/1512000.



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-069

10-R-0535

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Yvette Dennis** the sum of **\$3,500.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **an automobile accident** on **November 19, 2009** at **1501 Lee Street, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000**.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

APR 19, 2010
APR 27, 2010

Rhonda Daughkin Johnson
Municipal Clerk

**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO UTILIZE GEORGIA STATE CONTRACT #SWC-30747, TO PURCHASE SELF-CONTAINED-BREATHING-APPARATUS ("SCBA") AND ASSOCIATED AIR-SUPPLY CYLINDERS, ON BEHALF OF THE DEPARTMENT OF POLICE ("DEPARTMENT"), IN AN AMOUNT NOT TO EXCEED NINETY-TWO THOUSAND, FOUR-HUNDRED THIRTY DOLLARS (\$92,430). ALL COSTS SHALL BE CHARGED TO AND PAID FROM A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY: 2501 (INTERGOVERNMENTAL GRANT FUND); 240101 (GENERAL LEDGER DEPARTMENT: APD CHIEF OF POLICE; 5316001 (EXPENSE ACCOUNT: EQUIPMENT \$1,000-\$4,999); 1320000 (FUNCTION ACTIVITY NUMBER: CHIEF EXECUTIVE); 210352 (GENERAL LEDGER PROJECT: UASI - APD 2007); 31863 (GENERAL LEDGER FUNDING SOURCE: UASI 2007); AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Police Department ("Department") has determined a need for Self-Contained-Breathing-Apparatus ("SCBA") with associated air-supply-cylinders to provide it's Special-Weapons-And-Tactics ("SWAT") unit the capability for police operations in toxic Chemical, Biological, Radiological, and Nuclear environments ("CBRN") for incident response, and other purposes; and

WHEREAS, pursuant to the City's Procurement and Real Estate Code of Ordinances 2-1602, the Chief Procurement Officer may participate in a cooperative purchasing agreement for the procurement of supplies, services or construction; and

WHEREAS, the Chief of Police and the Chief Procurement Officer recommend utilizing Georgia State contract #SWC-30747 to purchase SCBA and associated air-supply-cylinders from Fisher Safety - Fire and Emergency Services for the Atlanta Police Department to be used for incident response, and other purposes.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Chief Procurement Officer be and is hereby authorized, pursuant to 2-1602 of the City of Atlanta Code of Ordinances, to procure self-contained-breathing-apparatus ("SCBA") and associated air-supply-cylinders from Fisher Safety - Fire and Emergency Services for the Atlanta Police Department to be used for incident response and other purposes, in an amount not to exceed ninety-two thousand, four-hundred thirty dollars (\$92,430).

BE IT FURTHER RESOLVED, all costs shall be charged to and paid from a grant from the United States Department of Homeland Security: 2501 (Intergovernmental Grant Fund); 240101

(General Ledger Department: APD Chief of Police); 5316001 (Expense Account: Equipment \$1,000-\$4999); 1320000 (Function Activity Number: Chief Executive); 210352 (General Ledger Project: UASI – APD 2007); 31863 (General Ledger Funding Source: UASI 2007).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to prepare an appropriate purchase order.

BE IT FINALLY RESOLVED, that the purchase order will not become binding upon the City and the City shall incur no obligation or liability until it has been approved by the Chief Procurement Officer, and delivered to Fisher Safety – Fire & Emergency.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDICE L. BYRD

Legislative Counsel (Signature): Investigator Kurt Braunsroth

Contact Number: (404) 546-4266


Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 16 April 2010

Anticipated Committee Meeting Date(s): 27-28 April 2010

Anticipated Full Council Date: 3 May 2010

Commissioner Signature: 

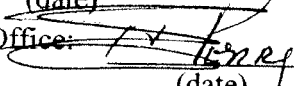
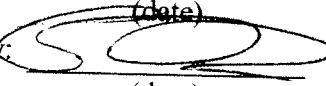
Chief Procurement Officer Signature: 

A RESOLUTION AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO UTILIZE GEORGIA STATE CONTRACT #SWC-30747, TO PURCHASE SELF-CONTAINED-BREATHING-APPARATUS ("SCBA") AND ASSOCIATED AIR-SUPPLY CYLINDERS, ON BEHALF OF THE DEPARTMENT OF POLICE ("DEPARTMENT"), IN AN AMOUNT NOT TO EXCEED NINETY-TWO THOUSAND, FOUR-HUNDRED THIRTY DOLLARS (\$92,430). ALL COSTS SHALL BE CHARGED TO AND PAID FROM A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY: 2501 (INTERGOVERNMENTAL GRANT FUND); 240101 (GENERAL LEDGER DEPARTMENT: APD CHIEF OF POLICE; 5316001 (EXPENSE ACCOUNT: EQUIPMENT \$1,000-\$4,999); 1320000 (FUNCTION ACTIVITY NUMBER: CHIEF EXECUTIVE); 210352 (GENERAL LEDGER PROJECT: UASI - APD 2007); 31863 (GENERAL LEDGER FUNDING SOURCE: UASI 2007); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) 4/13/10 (date)

Received by Mayor's Office:  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)



City of Atlanta

Internal Correspondence

Atlanta Police Department

*need cooperative agreement
to purchase off state
contract*

MEMORANDUM

TO: Mr. Adam Smith, Chief of Procurement

FROM: Sgt. A.C. Senzer

DATE: January 21, 2010

RE: ~~Southeastern Safety Supply - Sole Source Request~~

SINC-30747

*Fisher Safety - Fire + Emergency
Services*

I am requesting that Procurement grant the Police Department a sole source for Southeastern Safety Supply. This company manufactures a self contained breathing apparatus (SCBA) and a 60 minute air supply cylinder that are tactically integrated to allow SWAT personnel to safely operate in toxic and hostile environments.

FEMA has clearly defined SWAT Teams as Type I, Type II, or Type III. The capabilities and resources of a SWAT team dictate how they will be typed. Type I represents the highest levels of capabilities and resources. The Atlanta Police SWAT Team is currently classified as a Type II Team. One of the few remaining factors preventing us from achieving a Type I status is our inability to conduct operations in Chemical, Biological, Radiological, and Nuclear (CBRN) environments. Recent trends in domestic and foreign terrorism illustrate the need to protect first responders from environmental threats such as anthrax, sarin gas, and other bio-chemical hazards.

It is the intention of the Atlanta Police SWAT Team to be the most capable tactical team in the southeast; one that has the equipment to handle any type of crisis situation. With the addition of equipment that allows personnel to operate in CBRN environments, the Atlanta Police SWAT Team will be one step closer to achieving this goal. Per the attachment, Southeastern Safety Supply supports that they are a "sole provider" for the equipment listed in the attached purchase requisition.

Req # 21009470

ATLANTA POLICE DEPARTMENT

Purchase Requisition

RECEIVED DEC 23 2009

Control # 12142009-5

(Obtain Control # through Procurement Control Number Generator)

Page 1 of 1

Requesting Division	Section	Unit
FOD	SOS	SWAT
Contact Person/PRO	Email	
LT. C.A. LEIGHTY	CLEIGHTY@ATLANTAGA.GOV	
Phone	Fax	Date
404-243-6631	404-244-7081	11/30/09
FORMAL QUOTES ATTACHED Yes <input type="checkbox"/> No <input type="checkbox"/>		

Instructions: Please use one company per requisition.

Company Preferred	Contact Person
SOUTHEASTERN SAFETY SUPPLY	ED FICKEY
Address	
999 CHESTNUT ST. SUITE 13	
City/State/Zip	Phone
GAINESVILLE, GA. 30501	770-531-0164
Email	Fax
WWW.MYSSSES.COM	678-868-2858
	SSP or FED Tax ID

Item	Detail Description (Must include make/size/color/etc)	Qty	Contract Item#/ Catalog# /Page# (attach copy if applicable)	Model/ Part/ Product #s	Price Per Unit	Total Price
1	4.5 SWAT - PAK SCBA WITH EBSS	20	N/A	805454-417	\$3,299.00	\$65,980.00
2	60 MINUTE CARBON CYLINDERS PLUS VALVES	25	N/A	804723-01	\$1,058.00	\$26,450.00
Justification of request: THIS IS REQUIRED EQUIPMENT TO BECOME A TYPE I SWAT TEAM. THIS PURCHASE WILL BE MADE USING 2007 UASI GRANT FUNDS THERE IS A SOLE SOURCE PROVIDER LETTER ATTACHED TO THIS REQUISITION.						
					SUBTOTAL (of attached pages)	\$92,430.00
					GRAND TOTAL	

Requester's name LT. C.A. LEIGHTY

Unit Commander

Section Commander

Division Commander

Approved FMU

SSD Commander

Date 11/30/09

Date 12/22/09

Date 12-11-09

Date 12-23-09

Date 2/4/10

Date 2-5-10

Date 2-24-10

Date 2-24-10

Date 2-24-10

Date 2-24-10

Date 2-24-10

Date 2-24-10

Date 2-24-10

For FMU Use Only

Date Received

Date Processed

Entered By

FAC #

P.O. #

680.0000

Contract Information Sheet

Vendor Name: Fisher Scientific Company L.L.C.

Contract Information			
Statewide Contract Number		SWC30747	
Contract Name		Biological Supplies and Laboratory Equipment	
PeopleSoft Vendor Number		0000005119	Location Code 030
Vendor Name & Address			
2000 Park Lane Pittsburg, Pennsylvania 15275 TIN: 23-2942737			
Contract Administrator			
Kris Schoolfield Tel: 800-955-1333 Ext. 121-3654 Mobile: 336-254-6285 Fax: 336-288-2873 <u>Website</u>			
Contract Details			
1. Orders to be mailed to		3970 Johns Creek Court Attn: Customer Service Suwanee, Georgia 30024	
2. Payments to be mailed to		Account (Customer Account #) Box CH10119 Palatine, Illinois 60055-0119	
3. Shipping information		Orders will be shipped within 1-3 days after receipt of Purchase Order.	
4. Discounts		N/A	
5. Payment Terms		Net 30 Days	
6. Bid offer includes		Both State and Local Governments	
7. Acceptable payment method		Vendor will accept the Purchasing Card for purchases under this contract	
8. Local Sales Representatives		<u>38</u>	
9. Electronic Ordering Instructions		<u>28</u>	
10. Pricing Schedule		<u>23</u>	

Statewide Information Sheet

Statewide Contract Number		SWC30747	NIGP Code	See NIGP tab on SWC Index
Name of Contract		Biological Supplies and Laboratory Equipment		
Effective Date		January 1, 2004	Expiration Date	September 30, 2010
Contract Table of Contents				
Vendors Awarded		9	Contract Information	MANDATORY CONTRACT
Contract Information for Vendor			Page Number	
<u>VWR International</u>			<u>2</u>	
<u>Sargent-Welch</u>			<u>3</u>	
<u>Omega Bio-Tek, Inc.</u>			<u>4</u>	
<u>Nebraska Scientific</u>			<u>5</u>	
<u>Laerdal Medical Corporation</u>			<u>6</u>	
<u>KSE Scientific</u>			<u>7</u>	
<u>Fisher Scientific Company LLC.</u>			<u>8</u>	
<u>Carolina Biological Supply Company</u>			<u>9</u>	
<u>A Daigger & Company, Inc.</u>			<u>10</u>	
Additional Contract Information				
<u>Pricing Schedule</u>			<u>11</u>	
<u>Ordering Instructions</u>			<u>27</u>	
<u>Contract Renewals/Extensions/Changes</u>			<u>40</u>	
<u>DOAS Issuing Officer</u>			<u>42</u>	

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption: A RESOLUTION AUTHORIZING THE CHIEF PROCUREMENT OFFICER TO UTILIZE GEORGIA STATE CONTRACT #SWC-30747, TO PURCHASE SELF-CONTAINED-BREATHING-APPARATUS ("SCBA") AND ASSOCIATED AIR-SUPPLY CYLINDERS, ON BEHALF OF THE DEPARTMENT OF POLICE ("DEPARTMENT"), IN AN AMOUNT NOT TO EXCEED NINETY-TWO THOUSAND, FOUR-HUNDRED THIRTY DOLLARS (\$92,430). ALL COSTS SHALL BE CHARGED TO AND PAID FROM A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY: 2501 (INTERGOVERNMENTAL GRANT FUND); 240101 (GENERAL LEDGER DEPARTMENT: APD CHIEF OF POLICE; 5316001 (EXPENSE ACCOUNT: EQUIPMENT \$1,000-\$4,999); 1320000 (FUNCTION ACTIVITY NUMBER: CHIEF EXECUTIVE); 210352 (GENERAL LEDGER PROJECT: UASI - APD 2007); 31863 (GENERAL LEDGER FUNDING SOURCE: UASI 2007); AND FOR OTHER PURPOSES.

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose is to enter into a cooperative purchasing agreement to purchase grant-funded equipment. The Police Department received a grant that covers the purchase of the listed item(s). Council approved the grant budget under 09-O-0178. Council approval is required to carry out the purchase.

2. Please provide background information regarding this legislation.

Example: *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The Police Department receives grants from the Department of Homeland Security to secure the City from terrorist attack and natural disasters.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

5. Source of Funds: *Example: Local Assistance Grant* : 2007 Urban Area Security Initiative Grant 2501 (Intergovernmental Grant Fund); 240101 (General Ledger Department: APD Chief of Police); 5316001 (Expense Account: Equipment \$1,000-\$4999); 1320000 (Function Activity Number: Chief Executive); 210352 (General Ledger Project: UASI – APD 2007); 31863 (General Ledger Funding Source: UASI 2007).

6. Fiscal Impact: None

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Grant

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Kurt Braunsroth

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Police with Fisher Scientific Company, L.L.C an amount not to exceed ninety two thousand four hundred thirty dollars and no cents (\$92,430.00). All contract work shall be charged to and paid from fund account and center number: 2501 (Intergovernmental Grant Fund), 240101 (General Ledger Department – APD Chief of Police), 5316001 (Expense Account – Equipment \$1,000-\$4,999), 1320000 (Function Activity Number – Chief Executive), 210352 (General Ledger Project – UASI – APD 2007), 31863 (General Ledger Funding Source – UASI 2007).

Council Meeting Date: May 03, 2010

Legislation Title: Resolution authorizing the Chief Procurement Officer to utilize the State of Georgia Contract #SWC-30747 with Fisher Scientific Company for the purchase of Self Contained Breathing Apparatus (“SCBA”) and Associated Air Supply Cylinders on behalf of the Department of Police in an amount not to exceed ninety two thousand four hundred thirty dollars and no cents (\$92,430.00). All contract work shall be charged to and paid from fund account and center number: 2501 (Intergovernmental Grant Fund), 240101 (General Ledger Department – APD Chief of Police), 5316001 (Expense Account – Equipment \$1,000-\$4,999), 1320000 (Function Activity Number – Chief Executive), 210352 (General Ledger Project – UASI – APD 2007), 31863 (General Ledger Funding Source – UASI 2007).

Requesting Department: Department of Police

Contract Type: N/A

Source Selection: State of Georgia Contract #SWC-30747

Bids/Proposals Due: N/A

Invitations Issued:	N/A
Number of Bids/ Proposals Received:	N/A
Bidders/Proponents:	N/A
Justification Statement:	N/A
Background:	N/A
Fund Account Centers:	2501 (Intergovernmental Grant Fund), 240101 (General Ledger Department – APD Chief of Police), 5316001 (Expense Account – Equipment \$1,000-\$4,999), 1320000 (Function Activity Number – Chief Executive), 210352 (General Ledger Project – UASI – APD 2007), 31863 (General Ledger Funding Source – UASI 2007).
Source of Funds:	N/A
Fiscal Impact:	N/A
Term of Contract:	N/A
Method of Cost Recovery:	N/A
Approval:	
DOF:	
DOL:	
Prepared By:	Patricia Lowe, Buyer
Contact Number:	404.330.6583

A RESOLUTION

10-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF MAGNUS ABURIME v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009CV168243, IN THE AMOUNT OF \$23,750.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (LITIGATION EXPENSES) and CENTER NUMBER 5212005 (NON- DEPARTMENTAL) and 1512000 (FUNCTIONAL ACTIVITY NUMBER) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Magnus Aburime v. City of Atlanta, is a case involving alleged personal injury resulting from a vehicle automobile accident involving a City of Atlanta employee driving a City of Atlanta vehicle;

WHEREAS, Plaintiff alleges that he suffered personal injuries as a result of the City employees' failure to keep a proper lookout and subsequent collision with the vehicle he was driving;

WHEREAS, Plaintiff sought monetary damages for personal injuries he incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$23,750.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$23,750.00 to settle all claims against the City of Atlanta; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of Magnus Aburime v. City of Atlanta, in the amount of Twenty Three Thousand Seven Hundred and Fifty Dollars and no Cents (\$23,750.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 1001 (General Fund), Account 200101 (Litigation Expenses) and Center Number 5212005 (Non-departmental) and 1512000 (Functional Activity Number). Payment shall be in the form of a check in the amount of \$23,750.00 payable to Magnus Aburime and Lee S. Goldstein, Esq. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

A RESOLUTION

BY COUNCILMEMBER MICHAEL JULIAN BOND


10-R-0132

A RESOLUTION DIRECTING THE CITY OF ATLANTA TO APOLOGIZE TO THE PATRONS AND EMPLOYEES OF THE ATLANTA EAGLE FOR THE ALLEGED VIOLATIONS OF HUMAN AND CIVIL RIGHTS SUFFERED AS A RESULT OF A POLICE RAID CARRIED OUT ON SEPTEMBER 10, 2009; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a long and distinguished history of championing civil and human rights; and

WHEREAS, Atlanta is a mosaic of ethnicities, races, religions and sexual orientations; and

WHEREAS, Atlanta is committed to upholding the words and deeds of its heralded son Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's vision of a "Beloved Community," where injustice anywhere threatens justice everywhere, requires that as the elected representatives of the citizens of Atlanta, we, the City Council, acknowledge and respond to the grievances of any and all of our citizens; and

WHEREAS, on September 10, 2009, the Atlanta Police Department and Red Dog Unit raided the Atlanta Eagle, a gay bar in Midtown; and

WHEREAS, some 48 members of the APD entered the premises and handcuffed patrons and employees of the Atlanta Eagle ordering them to lay face down on the ground while they and the premises were searched for almost one hour; and

WHEREAS, no criminal activity was found on the premises or persons therein; and

WHEREAS, as the City faces a significant rise in property crimes and recent high-profile murders, it appears this action was a poor use of police resources at this time; and

WHEREAS, it is imperative that all members of Atlanta's varied communities – be they African-American, Hispanic, Asian, LGBT, youth or senior citizens – feel that their freedoms are respected; and

WHEREAS, the City Council requests also that as the Court reviews the facts of this case that it contemplates dropping charges brought against eight employees;

*Held
Ramos*

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY RESOLVES** and offers an apology to the patrons and employees of the Atlanta Eagle
Bar for the indignities which they experienced as a result of the September 10, 2009 police raid.

BE IT FINALLY RESOLVED: that all resolutions or parts of resolutions in conflict
herewith are hereby waived to the extent of the conflict.

A RESOLUTION BY

COUNCILMEMBERS NATALYN MOSBY ARCHIBONG & C. T. MARTIN

**REQUESTING THAT CITY COUNCIL AUTHORIZE
A FORENSIC AUDIT SHOULD BE CONDUCTED AS
A RESULT OF THE FINDINGS AND
RECOMMEDATIONS FROM THE AUDIT REPORT
OF THE PUBLIC SAFETY FACILITIES
CONSTRUCTION AND THE SALE OF CITY HALL
EAST; AND FOR OTHER PURPOSES.**

WHEREAS, a letter dated December 21, 2009 from the City's Auditor states that "her report cannot be interpreted as an assurance that no waste, fraud, or abuse occurred in the project"; and

WHEREAS, forensic accounting is accounting that is suitable for legal review, offering the highest level of assurance, and including the now generally accepted connotation of having been arrived at in a scientific fashion; and

WHEREAS, the Council is a legislative/policymaking body; and, as such, has the responsibility for the oversight of city operations; and

WHEREAS, the audit report from the City Auditor identify no financial records of a \$24 million bank loan being recorded in the city's ledger; and

WHEREAS, this same reports suggest that other possible financial infractions may have occurred; and

WHEREAS, the city's current fiscal problems and the reports critical review of the contracting process that took place with this project suggest that that a closer look into the practices and procedures utilize for this contract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follow, that the City Council direct the Committee on Council to identify a funding source as well as enter into a Request for Proposal to hire a forensic accountant to review the contracts associated with the Public Safety Facilities Construction Project and the sale of the City Hall East facility.

AND BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

10-O-0397

AN ORDINANCE BY

COUNCILMEMBER H. LAMAR WILLIS

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

**AN ORDINANCE AMENDING SECTION 162-227 AND SECTION 162-232
OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO
ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATE
WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

Section 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification and an administrative fee of \$20.00 shall be collected as part of the towing fee, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle.

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via and Internet based repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

COMMITTEE AMENDMENT FORM

DATE 03/09/10

**COMMITTEE PUBLIC SAFETY AND
LEGAL ADMINISTRATION**

PAGE(S) 2

ORDINANCE I.D.# 10-O-0397

SECTION(S) 1

RESOLUTION I.D.# _____

PARAGRAPH(S) _____

**AMENDMENT: AMENDS THE LEGISLATION BY DELETING THE WORDS "DOES
NOT EXCEED" IN ITALICIZED AMENDED LANGUAGE OF SECTION 1 AND
REPLACE WITH THE WORDS "SHALL BE".**

**AN ORDINANCE BY:
COUNCILMEMBER H. LAMAR WILLIS
AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE AMENDING SECTION 162-227 AND
SECTION 162-232 OF THE CITY OF ATLANTA CODE OF
ORDINANCES SO AS TO ESTABLISH FEES FOR THE
ADMINISTRATIVE COSTS ASSOCIATED WITH
NONCONSENSUAL MOTOR VEHICLE TOWING; AND
FOR OTHER PURPOSES.**

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for

the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER H. LAMAR WILLIS

10-0-0397

**AN ORDINANCE AMENDING SECTION 162-227 AND
SECTION 162-232 OF THE CITY OF ATLANTA CODE OF
ORDINANCES SO AS TO ESTABLISH FEES FOR THE
ADMINISTRATIVE COSTS ASSOCIATED WITH
NONCONSENSUAL MOTOR VEHICLE TOWING; AND
FOR OTHER PURPOSES.**

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or

any other equipment or service. An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee does not exceed \$125.00 and as it may be changed from time to time.

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER IVORY LEE YOUNG JR.

10-0-0399

AN ORDINANCE TO AMEND ARTICLE XXIII, ("VENDING ON PUBLIC PROPERTY"), OF CHAPTER 30, ("BUSINESSES"), SECTION 30-1436 ("DISABLED VETERANS"), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXPRESSLY EXEMPT DISABLED VETERANS FROM PARTICIPATION IN THE PUBLIC VENDING MANAGEMENT PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including vending on public property; and

WHEREAS, the City of Atlanta has implemented a Public Property Vending Management Program which manages vending on public property under the jurisdiction of the City of Atlanta; and

WHEREAS, it is the desire of the City of Atlanta to exempt all disabled veterans from participation in the Public Property Vending Management Program.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That **Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans")**, of the Code of Ordinances of the City of Atlanta, Georgia, which currently reads:

Sec. 30-1436. [Disabled veterans.]

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management

program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.

(b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

be amended such as Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), shall read as follows:

Sec. 30-1436. Disabled veterans.

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended, shall be exempt from any requirements that they participate in the public vending management program.

(b) All disabled veterans who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall retain the ability to continue to vend at their existing licensed locations subject to the requirements contained in this Article, unrelated to those concerning the public vending management program.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**A RESOLUTION BY
PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANAGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with CourtView Justice Solutions, for FC-6004007843, Automated Court Case Management System to install CourtView software; and

WHEREAS, CourtView Justice Solutions is experienced in the support of CourtView application software, Visiflow imaging software, IVR software support and call sequencer, and IJIS broker; and

WHEREAS, CourtView Justice Solutions has provided adequate maintenance support and can continue to provide ongoing CourtView maintenance support.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor be and is hereby authorized to enter into a maintenance with CourtView Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, for a period of one (1) year in FY11, in an amount not to exceed one hundred fifty-five thousand four hundred fifty-six dollars (\$155,456).

BE IT FURTHER RESOLVED, that the City Attorney or her/his designee be and is directed to prepare the Agreement for execution by the Mayor, and the Agreement shall be approved by the City Attorney or her/his designee as to form.

BE IT FURTHER RESOLVED, that the Agreement shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor or her/his designee and delivered to CourtView Justice Solutions.

BE IT FINALLY RESOLVED, that all costs shall be charged to: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts).

Legislative White Paper

Committee of Purview: Public Safety & Legal Administration

Caption:

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANANGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

Council Meeting Date: 4/27/10

Legislation Title: Maintenance agreement with CourtView Justice Solutions pursuant to FC-6004007843, Automated Court Case Management System

Requesting Department: Judicial Agencies

Contract Type: Maintenance Agreement

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids: N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement:

The Municipal Court of Atlanta is in need of maintenance and support of its CourtView application software, Visiflow imaging software, IVR software and call sequencer, and IJIS broker.

Background:

CourtView Justice Solutions implemented CourtView software for the Municipal Court of Atlanta in May 2007. In order to maximize the effectiveness of the software, \$155,456 is needed to provide on-going CourtView maintenance support.

Fund Dept Account Function Activity: 1001 190101 5212001 2650000

Source of Funds: General Fund

Fiscal Impact:	\$155,456
Terms of Contract:	N/A
Method of Cost Recovery:	N/A
Approvals:	Budget Manager, Sr.
Prepared by:	Krystal Smith
Contact Number:	404.588.4777

TRANSMITTAL FORM FOR LEGISLATION

TO MAYOR'S OFFICE: Candace Byrd, Chief of Staff
(For review & distribution to Executive Management)

Commissioner Signature: [Signature] Director Signature: _____

Originating Dept: Judicial Agencies – Court Operations Contact Name: Krystal Smith

Committee(s) of Purview: Public Safety & Legal Admin Committee Deadline: _____

Committee Meeting Date(s): 4/27/10 City Council Meeting Date: 5/3/10

CAPTION

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANAGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$155,456

Mayor's Staff Only

Received by Mayor's Office: 4.15.10 [Signature]
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____
(date)

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CLEARLY DISTINGUISH BETWEEN LEGITIMATE ESCORTS HOLDING PERMITS ISSUED BY THE CITY OF ATLANTA UNDER ITS POLICE POWERS, AND PERSONS WHO PERFORM CRIMINAL ACTS AS DETERMINED BY STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Escort Services, (O.C.G.A. § 48-13-9 (29)); and

WHEREAS, City of Atlanta Code of Ordinances Chapter 30, Article VIII, Division 2, Sections 30-651 and 30-338 respectively require persons operating escort services or working for an escort service in the City of Atlanta to apply for and obtain permits issued by the City; and

WHEREAS, currently, the State of Georgia prohibits persons from performing, offering, or consenting to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value, (O.C.G.A. § 16-6-9); and

WHEREAS, it is the desire of the Atlanta City Council to clearly distinguish between persons who perform such prohibited acts, and legitimate escorts holding permits issued by the City of Atlanta; and

WHEREAS, a revision of Chapter 30, Article VIII, of the City of Atlanta Code is required to make such a distinction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article VIII, Division 1, Section 30-641 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert the following language in lieu thereof so that said section shall read as follows:

Sec. 30-641. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means a person who is held out to the public to be available for hire; and who; for monetary consideration in the form of a fee, commission or salary, consorts with, or accompanies or who offers, for monetary consideration, to consort or accompany another or others to social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters.

Escort service means a person or an entity who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers to, offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts.

Escort service runner means an employee, agent or independent contractor of the service who, after the service receives a call from a prospective customer, goes to the customer's location to collect the escort fee and to make other necessary arrangements.

Offer to provide acts of sexual conduct means to offer, propose or to solicit to provide sexual conduct to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, sodomy or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Section 2: That Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances is hereby amended to create a new Division 4, to be entitled "Operational Rules and Prohibited Acts" which shall read as follows:

DIVISION 4. OPERATIONAL RULES AND PROHIBITED ACTS

Sec. 30-669. Operational Rules.

(a) Each person authorized to operate as an escort under this article shall operate from an open office.

(b) Each person or entity authorized to operate as an escort service under this article shall:

1. Maintain an open office at an established place of business;
2. Deliver contracts to every patron or customer.

Sec. 30-670. Certain Acts by Escorts Prohibited.

No person authorized to operate as an escort under this article shall:

1. Employ or use an escort service runner;
2. Advertise that sexual conduct will be provided to the patron or work for an escort service which so advertises;
3. Solicit, offer or provide sexual conduct to an escort patron, or accept an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service;
4. Work as an escort without having a current employee permit issued for the referring escort service in their possession at all times when working as an escort;
5. Accept a fee from a patron who has not first been delivered a contract.

Sec. 30-671. Certain Acts by Escort Services Prohibited.

No person or entity authorized to operate as an escort service under this article shall:

1. Employ an escort service runner as an employee, agent or independent contractor;
2. Advertise that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided referred or introduced to a patron;
3. Solicit, offer to provide or provide acts of sexual conduct to a patron;
4. Employ, contract with or provide or refer escorts who do not possess employee permits as required in section 30-668 of this article.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Kurt Braunsroth

Contact Number: 404-853-4266

Originating Department: Atlanta Police Department

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): Cycle 5 March 9, 2010; March 30, 2010

Anticipated Full Council Date: April 19, 2010

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Commissioner Signature: 

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CLEARLY DISTINGUISH BETWEEN LEGITIMATE ESCORTS HOLDING PERMITS ISSUED BY THE CITY OF ATLANTA UNDER ITS POLICE POWERS, AND PERSONS WHO PERFORM CRIMINAL ACTS AS DETERMINED BY STATE LAW; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: _____

(date)

Reviewed by: _____

(date)

Submitted to Council: _____

(date)

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to assess and collect fees for fire inspections, fire plan review, and fire permits pursuant to O.C.G.A., Title 25, Chapter 2, Sections 25-2-4.1 and 25-2-12.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to O.C.G.A., Title 25, Chapter 2, Section 25-2-12, Subsection (a)(2) ("O.C.G.A. §25-2-12") the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare by requiring fire inspections, fire plan reviews, and fire permits; and

WHEREAS, the portion of Chapter 78, Article III, Section 78-57 ("§78-57"), Subsection (b) of the Code of Ordinances of the City of Atlanta, entitled 105.6.7 (Fees) sets forth the schedule of fees regarding fire inspection, fire plan review, and fire permits ("Fees") that the City of Atlanta Fire Rescue Department through the Fire Inspections Bureau shall charge for fire inspections; and

WHEREAS, certain fire safety inspections, plan reviews, and issues fire permits are not set out in the schedule of fees but are authorized pursuant to O.C.G.A. §25-2-12 (a)(2) and City of Atlanta Code of Ordinances §78-57; and

WHEREAS, the Fire Inspections Bureau of the City of Atlanta Fire Department exists solely to perform fire safety inspections, plan reviews, and issues fire permits in compliance with O.C.G.A. §25-2-12 (a)(2); and

WHEREAS, the City has experienced significant growth since 2002 without any fee adjustments to fire inspections, fire plan reviews, and fire permit services; and

WHEREAS, the City's cost to provide fire inspections, fire plan reviews, and fire permit services has increased; and

WHEREAS, the City desires to increase existing fire inspection, fire plan review, and fire permit fees and establish authorized fire inspection, fire plan review, and fire permit fees to recover the Fire Inspection Bureau's costs of these related services by imposing fees established by a fee study conducted by the Atlanta Fire Rescue Department and attached hereto as Exhibit 'A'; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.7 (Fees) (attached hereto as Exhibit B) be deleted in its entirety and replaced as follows:

Section 105.6.47 Fees.

- (a) The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge and collect fees, on a yearly, one time or location basis for the issuance of permits or activities including storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

In addition to the annual fees described in §105.6.47, a \$25.00 application fee shall be charged.

1. **FIRE SAFETY INSPECTION:**

A. **Business Structures:**

In accordance with O.C.G.A. §25-2-12 (2) fire inspection shall be performed in order to issue permits or authorize occupancy as required. The annual fees therefore shall be as follows:

- i. There shall be an *inspection* fee of \$50 for a business having up to 3,000 square feet.
- ii. There shall be an *inspection* fee of \$100 for a business having 3,001 square feet to 5,000 square feet.
- iii. There shall be an *inspection* fee of \$150 for a business having 5,001 square feet to 10,000 square feet.
- iv. There shall be an *inspection* fee of \$200 for a business having more than 10,000 square feet.

B. **High-Rise Structures:**

- i. There shall be an *inspection* fee of \$ \$250 for a High-rise 12 stories or less
- ii. There shall be an *inspection* fee of \$400 High-rise 13 to 40 stories or less
- iii. There shall be an *inspection* fee of \$550 for a High-rise 41 stories or greater

2. **OPERATIONAL PERMITS:** Operational permits are required to conduct certain operations or businesses. In addition to Fire inspection fees, operational fees may be required for certain activities as listed. Multiple operations performed at the same location shall be charged a single inspection fee pursuant to §105.6.47 (a)(1). However, each operation shall be individually assessed permit fees and may incur cumulative fees. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12(2).

Permit approvals subject to site inspection.

OPERATIONAL PERMITS			
Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee : Note (not including inspection)
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100--500 cubic feet--\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200--1,000 cubic feet--\$22.00; 1,000+ cubic feet--\$13.00 per 1000 cubic feet. Nonflammable: 6,000--10,000 cubic feet- \$18.00; 10,000+ cubic feet--\$13.00 per 1,000 cubic feet. (Permit not required	22.00 18.00	180.00 180.00

	for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)		
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00

	OPERATIONAL PERMITS FEES CONTINUED.		
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	<u>\$100</u>	\$100	\$100
Blasting permits	\$100 (per location) City wide permit \$166.00	90.00	\$166.00
Flammable finishes	Dip Tanks--\$42.00 per tank. Spray booths--\$42.00 per booth not exceeding 25 sq. ft.	42.00	222.00
		42.00	222.00
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Tank storage--\$.036 per gallon of flammable liquid or combustible liquid ; (per tank)	4.50	
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit--\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55--110 gallons--\$22.00; 110--500 gallons--\$42.00; 500+ gallons--\$66.00	22.00	66.00

	Oxidizing materials: 500--1,000 pounds--\$42.00 1,000+ pounds- \$66.00	42.00	66.00
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	OPERATIONAL PERMITS FEES CONTINUED		
	Organic peroxides: 10--50 pounds-\$22.00 50--100 pounds--\$42.00 100+ pounds--\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials--\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LPG or LNG	Tank storage: \$0.036 per gallon of LP or LNG liquid (per tank)	4.50	
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
<u>Fleet motor-fuel dispensing operations</u>	1-3 vehicles 4-6 vehicles 7-10 vehicles 11 or more vehicles	50.00 100.00 150.00 200.00	
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00
Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
<u>Exhibit & Trade Shows</u>	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans, <i>includes site inspection. Activity not allowed in non-permitted facilities.</i>	79.00	79.00

Places of public assembly	Permit for occupant load--\$42.00, plus \$0.42 per area permitted:	42.00	
<u>Special Hazard Structures</u>	Buildings presenting special hazards to persons or property per O.C.G.A. § 25-2-13	\$50.00	\$150.00
Combustible material	2,500--5,000 cubic feet--\$42.00; 5,000+ cubic feet--\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25--100 pounds--\$22.00; 100+ pounds--\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location--\$42.00 City wide permit--\$14.00	42.00	114.00
Tent/carnival	Per location; <u>Having up to 400 sq. ft = \$50.00</u> <u>401 - 1,500 sq. ft =</u> <u>1,501 - 3,000 sq. ft =</u> <u>3,001 - 6,000 sq. ft =</u> <u>6,001 - 9,000 sq. ft =</u> <u>More than 9,001 sq. ft =</u>	<u>\$100</u> <u>\$150</u> <u>\$200</u> <u>\$250</u> <u>\$300</u>	
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500--5,000 sq. ft.--\$42.00 5,000+ sq. ft.--\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
<u>Open flames & candles</u>	To use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	50.00	50.00

3. **CONSTRUCTION PERMITS:** *As authorized pursuant to O.G.C.A. 25-2-4.1 and City of Atlanta Code §78-57*, a construction permit allows the applicant to install or modify fire protection systems and equipment for which a fire permit is required by this section. Application for permit shall be made to the Atlanta Fire Department and shall be accompanied by plans for review. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12 (2).

These fees are separate and in addition to any Bureau of Building permit fees.

CONSTRUCTION PERMITS PLANS REVIEW FEE SCHEDULE			
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	SQUARE FOOTAGE OF PROJECT	DESCRIPTION
TENANT FINISH OR IMPROVEMENT	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to modify, change, or alter the interior of any commercial building.
	\$150	Over 10,000 sq. ft.	
NEW BUILDING CORE & SHELL OR BUILDING ADDITION	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to construct or add to the total area of any building other than single-family or two-family residences. Includes site inspections for 80% completion, 100% completion and one follow-up inspection if needed prior to opening.
	\$150	10,001 - 100,000 sq. ft.	
	\$200	100,001 - 150,000 sq. ft.	
	\$225	Over 150,001 sq. ft.	
NEW PARKING STRUCTURE	1/3 of New Building Fee	N/A	New parking structure built as part of new building complex.
	1/2 of New Building Fee	N/A	New parking structure built separately.
SITE DEVELOPMENT	\$100.00	N/A	New development activity to ensure emergency vehicle access in compliance with code.
DEMOLITION	\$100	N/A	To obtain a construction permit to conduct demolition operations.
PLACES OF PUBLIC ASSEMBLY	\$75.00	N/A	Plan review for permit issuance to operate a room or areas as a place of assembly in compliance with life safety code. Note: Fees required for each separate set of plans

CONSTRUCTION PERMITS cont'd		
FIRE PROTECTION EQUIPMENT AND SYSTEMS INSPECTION FEE SCHEDULE		
TYPE OF INSPECTION	INSPECTION FEE	DESCRIPTION
FIRE PROTECTION UNDERGROUND FIRE LINE	\$100	To perform inspections for 80% and 100% for approval to extend, modify, or alter an underground fire service main (underground fire lines).
AUTOMATIC SPRINKLER SYSTEMS 13, 13R & 2001	\$75	To perform inspections for 80% and 100% for approval for new automatic sprinkler system in a multi-family residence, hotel, business or commercial facility.
FIRE PUMP	\$150	To obtain a construction permit to install a fire pump.
STANDPIPE	\$100	To obtain a construction permit to install a standpipe system.
FIRE ALARM SYSTEM NEW	\$125	To obtain a construction permit to install or modify a fire alarm system.
FIRE ALARM SYSTEM CERTIFICATION	\$50.00 Annually	To ensure approved fire alarm systems are properly maintained and serviced. Prior to system being put in service an approved system certification is required to identify qualified service personnel responsible for system inspection, testing and/or maintenance. Fire alarm systems shall be inspected, tested & certified annually.

EXIT/ACCESS CONTROL SYSTEMS	\$ 50	To obtain a construction permit to install or modify an access control systems in all commercial occupancies.
HOOD & DUCT FIRE PROTECTION SYSTEMS	\$150	To obtain a construction permit to install a hood and duct fire extinguishing system for commercial cooking operations.
FIRE HYDRANT	\$100	To review and approve fire hydrant locations for water supplies.
WATER TANKS FOR FIRE PROTECTION	\$150	To obtain a construction permit to install water tanks for private fire protection in accordance with NFPA 22.
VEHICLE ACCESS GATES	\$50	To obtain a construction permit to approve emergency vehicle access gates.

CONSTRUCTION PERMITS cont'd HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
HAZARDOUS MATERIAL	\$250	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility, regulated by the fire code when the hazardous materials in use or storage exceed the amounts listed
AST OR UST REMOVAL	\$100	To obtain a construction permit to remove, abandon or place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.
AST OR UST INSTALLATION	\$150	To obtain a construction permit to install, construct, or alter tanks or equipment used for storage of flammable or combustible liquids that are part of a motor vehicle fuel dispensing facility.
BULK FUEL TANK INSTALLATION	\$250	To obtain a construction permit to install, construct, or alter tank or equipment used for the storage of flammable or combustible liquids.
FUEL DISPENSERS	\$150	To obtain a construction permit to install and operate fuel dispensers.
BATTERY SYSTEM (UPS)	\$100	To obtain a construction permit to install a stationary lead-acid battery system having a liquid capacity of more than 100 gallons.
COMPRESSED GAS SYSTEMS	\$150	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system.
LP-GAS INSTALLATION PERMANENT OR TEMPORARY	\$125	To obtain a permit to install permanent LP-gas systems or containers permanently, or for a period of less than six months.

HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE, continued		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
MEDICAL GAS SYSTEM	\$150	To obtain a construction permit to install a nitrous oxide and/or oxygen medical gas system in compliance with NFPA 99.
REFRIGERATION EQUIPMENT	\$150	To obtain a construction permit to install a refrigeration system regulated by the fire code.
SPRAY BOOTHS, SPRAY ROOMS OR MIXING ROOMS	\$150	To obtain a construction permit to install booths or equipment, or construct rooms used for mixing, spraying, dipping or drying of flammable or combustible liquids.

CONSTRUCTION PERMITS MISCELLANEOUS SERVICES/ INSPECTION FEE SCHEDULE		
TYPE OF CHARGE	FEE	DESCRIPTION
TEMPORARY ACCESS ROAD AGREEMENT	\$ 50 - 30 days \$ 75 - 60 days \$125 - more than 90 days	To obtain a construction permit to install a temporary access road in compliance with fire department standards for a specific time period.
REMOVAL OF STOP WORK ORDER	\$100 For 1st offense; double the previous fee thereafter	To remove a "Stop Work Order" issued by the fire department.
AFTER HOURS INSPECTION/PLAN REVIEW	\$75.00 per /hr	Upon request of a contractor or building owner, the fire department performs an inspection before or after the normal business hours of 08:00 and 16:00, Monday – Friday, or any time on weekends.
ADDITIONAL PLAN REVIEW	\$75	This fee shall be paid for the review of plans when changes are made to plans that have been previously approved.
MISCELLANEOUS PLAN REVIEW/	\$50	This fee is assessed when there is no other applicable fee

INSPECTION FEE		indicated.
EXPEDITED PLAN REVIEW OR INSPECTION	\$100 per/hr 1-hr. min.	Upon request of a contractor or building owner for expedited inspection and/or plan review services performed by fire department.
RE-ISSUE PERMIT CARD	\$50	To re-issue a permit card
CERTIFICATE OF OCCUPANCY	\$100	This fee is assessed in compliance with IFC, Sec 105.3.3 and O.C.G.A. § 25-2-4.1 (Fire Safety Fee's & Charges) for issuance of permit indicating applicable provisions of the fire code have been met NOTE: Request for temporary use permits may be granted provided all fire protection equipment have been tested & approved and subject to additional fee's.
CROWD MANAGER CERTIFICATION	\$100	This fee is assessed in compliance with IFC, Sec. 408.2.3, for assembly occupancies having occupant loads of 100 or more, is required to have a minimum of one trained crowd manager. This fee shall be renewed annually. NOTE: Operational permits for places of assembly shall not be renewed without a designated crowd manager certification.
FIRE SAFETY TRAINING	\$100 Fire extinguisher training	This fee is assessed for businesses requesting employee fire safety & prevention training in accordance with fire code, sections 406.

- (b) Re-inspections Fee: A re-inspection fee of \$200.00 shall be imposed for each additional inspection if a violation(s) stated in the initial written notice has not been corrected.
- (c) Open Records Request Fee: A fee of \$40.00 shall be imposed for each open records inquiry including but not limited to: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Section 2: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

Section 3: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

Exhibit A

10-0-0729

EXHIBIT -(A) EXISTING FEE TABLE

Section 105.6.47 Fees.

(a)

The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge fees, on a yearly, one time or location basis for the issuance of permits for certain activities or storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

The minimum fee for inspection and permit issuance for any activity not listed shall be \$36.00.

Permit Classification	Basis of Determining Fee	Minimum Maximum	
		Fee	Fee
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	132.00
Waste material handling	\$132.00	42.00	42.00
Bowling pin refinishing and lane resurfacing	\$42.00	22.00	180.00
Combustible fibers	100—500 cubic feet-\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic feet (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200—1,000 cubic feet-\$22.00; 1,000+ cubic feet-\$13.00 per 1000 cubic feet. Nonflammable: 6,000—10,000 cubic feet- \$18.00; 10,000+ cubic feet-\$13.00 per 1,000 cubic feet. (Permit not required for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)	22.00 18.00	180.00 180.00
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids Type III: \$35.00 per machine utilizing 140 degrees F. liquids Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00 35.00 35.00	180.00 180.00 180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blastng agents	\$90.00	90.00	90.00
Blasting permits	\$90.00 (per location) City wide permit\$156.00	90.00	156.00
Flammable finishes	Dip Tanks-\$42.00 per tank. Spray booths-\$42.00 per booth not exceeding 25 sq.	42.00 42.00	222.00 222.00

	ft.		
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Plan review—Tank removal installation A/G and U/G;	66.00	66.00
Flammable and combustible liquids	Tank storage—\$.036 per gallon of flammable liquid or combustible liquid	4.50	\$132.00
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit—\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55—110 gallons—\$22.00; 110—500 gallons—\$42.00; 500+ gallons—\$66.00	22.00	66.00
	Oxidizing materials: 500—1,000 pounds—\$42.00 1,000+ pounds—\$66.00	42.00	66.00
	Organic peroxides: 10—50 pounds—\$22.00 50—100 pounds—\$42.00 100+ pounds—\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials—\$66.00 for any amount in excess sealed source or more than 1 mill curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LP gases or LNG	Plan review for Installation	66.00	66.00
	Tank storage: \$.036 per gallon of LP or LNG liquid	4.50	132.00
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00

Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
Places of public assembly	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans	43.00	43.00
Places of public assembly	Permit for occupant load—\$42.00, plus \$0.42 per person	42.00	222.00
Site development	Plan review	43.00	43.00
Combustible material	2,500—5,000 cubic feet—\$42.00; 5,000+ cubic feet—\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25—100 pounds—\$22.00; 100+ pounds—\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location—\$42.00 City wide permit—\$14.00	42.00	114.00
Tent/carnival	Per location	66.00	66.00
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500—5,000 sq. ft.—\$42.00 5,000+ sq. ft.—\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
Organic coating	\$66.00	66.00	66.00

(b)

A re-inspection fee of \$36.00 shall be imposed for each re-inspection if a violation stated in the initial written notice has not been corrected.

(c)

A fee of \$40.00 shall be imposed for each open records inquiry including: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

10-0-0729

Exhibit B

Assumptions			
Public assembly permits			
% at max fee need additional capacity			75%
Current max fee	\$		222
Tank storage permits			
% at max fee need additional capacity			75%
Current max fee	\$		132
Hourly rate for inspection & re-inspection	\$		50
# of night observations (2009)	\$		1,215
Permit processing fee	\$		25
# of permits issued (non-exempt)			2,673
Inspection time requirement based on fixed property use			
Business Locations	High-Rise	Non-High-Rise	
Dwellings (residential and commercial)	12.0	1.5	
Education Facilities	10.0	1.5	
Healthcare Facilities	8.0	3.0	
Manufacturing Facilities		4.5	
Other	1.5	4.5	
Outside Properties		1.5	
Places of Public Assembly	2.0	1.5	
Storage/Warehouses	2.5	2.0	
Utility Facilities	2.0	2.5	
Re-inspection time requirement based on # of violations			2.0
all violations			4.0
% of violations not corrected the 1st time			35%
Current inspection/permit fees:			
Permit processing fee (administrative)	\$		218,021
Increase in permit fees:	\$		66,825
Impose initial inspection fees:	\$		145,056
Impose re-inspection fees:	\$		343,743
Total inspection unit revenue:	\$		549,080
	\$		1,322,725
Total inspections unit budget			
	\$		1,860,778
	\$		(538,053)

Internal Charges

	No.	Mid-range
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35
Total	19	

Average hourly rate \$ 22.56

Total hourly expense including benefits **\$ 35.95**

Category	Percentage
Benefits	59.33%

External Changes

Budget Related Items	\$	78,549
Technology fees	\$	30,000
Overhead*	\$	248,762
Total external cost	\$	357,311
Per inspector	\$	18,806
# of work days		252
Per work day	\$	74.63
Per hour	\$	9.33

Total: \$ **45.27**

*including training, admin support, captain overseeing the division

Fire inspections unit operates with a \$1.9M annual budget

Personnel/Training			
#	Item	Unit cost	Amount
1	Captain (Sworn)	\$ 112,496	\$ 112,496
10	Lieutenants (Sworn)	\$ 97,447	\$ 974,473
9	Specialists -Fire Inspectors(Civilian)	\$ 62,110	\$ 558,994
2	Admin Assistant (Civilian)	\$ 62,533	\$ 125,066

8	NFPA Inspector I Test	\$ 350	\$ 2,800
8	Renewal Fee	\$ 150	\$ 1,200
8	Recertification Fees	\$ 150	\$ 1,200
12	State Fire Inspector training	\$ 500	\$ 6,000
Total Personnel/Training			\$ 1,782,229

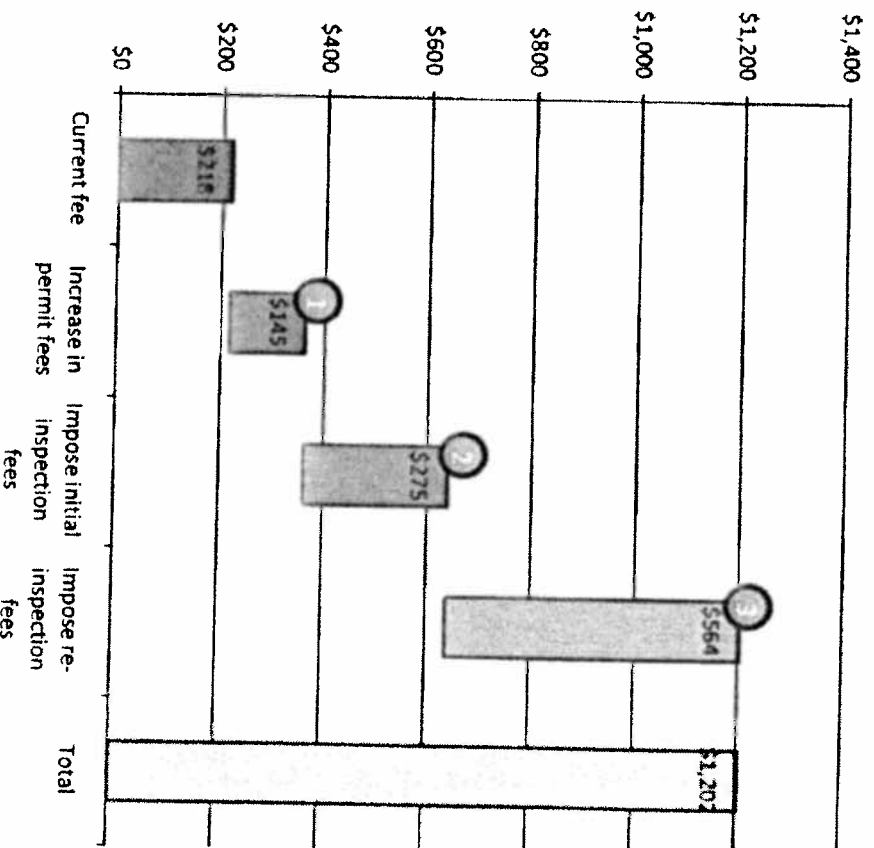
Operations		
Budget code	Description	Amount
5212001	Consultant	\$ 4,320
5234001	Printing & Binding	\$ 3,200
5237002	Training Registration	\$ 1,100
5311001	Consumable	\$ 2,081
5311002	Non-consumable	\$ 2,180
5316005	Computer (\$1,000-4,999)	\$ 17,906
5317003	Supplies, Small Parts	\$ 500
5510001	Motor Equip.	\$ 20,270
5510002	PM/Repairs	\$ 26,992
Total Operations		\$ 78,549

Total budget	\$ 1,860,778
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Source: 2009-2010 budget; Fire Inspection Unit Business Plan

Three changes to the fire inspection fee structure will generate an additional \$1M

Fire Inspection Unit fees by type (\$K)



Current practice

- Fire Inspection Unit conducts inspections prior to issuing Fire Safety Permits
- Inspections Unit only charges for permit issuance, not for initial inspections or re-inspections
- Inspections Unit issued 2937 permits and charged for \$218K in 2009

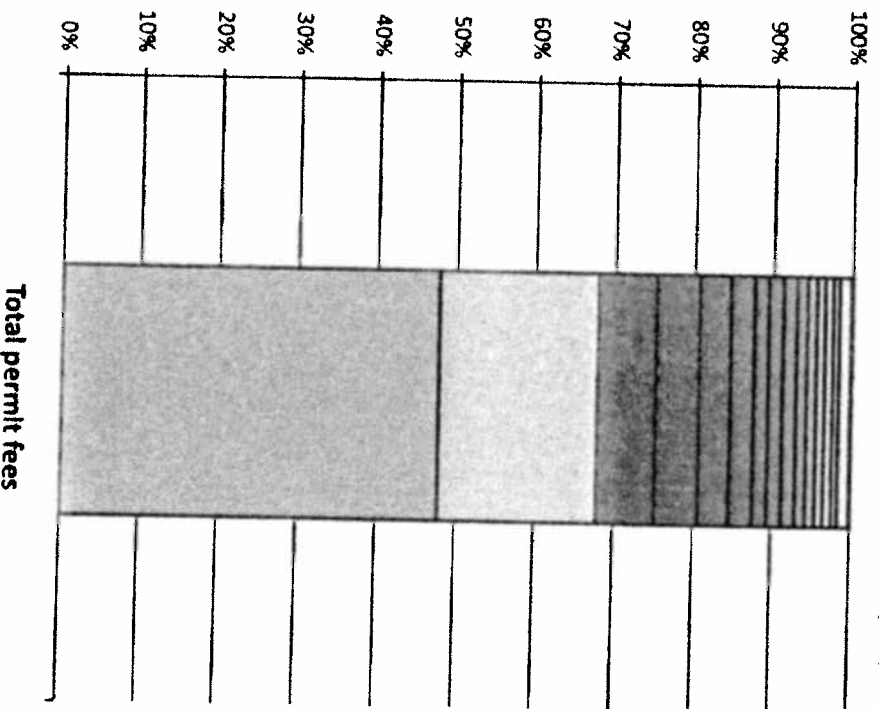
Proposed changes to permit/inspection fee structure

- Remove maximum fee cap and charge per unit (i.e. tank or event-public assembly area) for two permit types with highest revenue (\$145K)
- Impose initial inspection fee for all permit inspections (\$275K)
- Impose re-inspection fee based on number of violations identified at initial inspection (\$564K)



Of the \$220K permit fees charged in 2009, *Public Assembly & Tank Storage* permits accounted for ~70%

Fire Safety Permit fees by type of permit (\$K, 2009)



Note: Permit type Generating less than \$1000 total in 2009 not included in chart
Source: 2009 Permit Record

- Other (\$3.5K)
- DRY CLEANING (\$1.5K)
- COMPRESSED GASES/NON-FLAMMABLE (\$2.3K)
- INDUSTRIAL BAKING OVEN (\$2.3K)
- LP GASES OR LNG (\$2.6K)
- FLAMMABLE LIQUID - SAFETY CANS (\$3.1K)
- FLAM. FINISHES SPRAY BOOTHS (\$3.6K)
- HAZARDOUS CHEMICALS-CORROSIVES (\$3.8K)
- HIGH PILED COMBUSTIBLE STOCK (\$4.1K)
- COMBUSTIBLE MATERIALS (\$6.7K)
- FLAMMABLE LIQUID-MISCELLANEOUS (\$8.6K)
- FLAMMABLE LIQUID -DRUM STORAGE (\$11.9K)
- COMPRESSED GASES FLAMMABLE (\$15.9K)
- FLAMMABLE LIQUID -TANK STORAGE (\$43.6K)
- PLACE OF PUBLIC ASSEMBLY (\$104.5K)

① Removing maximum fee and charge per unit for *Public Assembly & Tank Storage* permits increase permit fee by \$165K

PLACE OF PUBLIC ASSEMBLY	
# of permits at capacity	100
% over capacity	75%
# of permits qualified for new fee	75
current max fee	\$ 222
incremental fee per unit	\$ 181
total incremental revenue	\$ 13,611

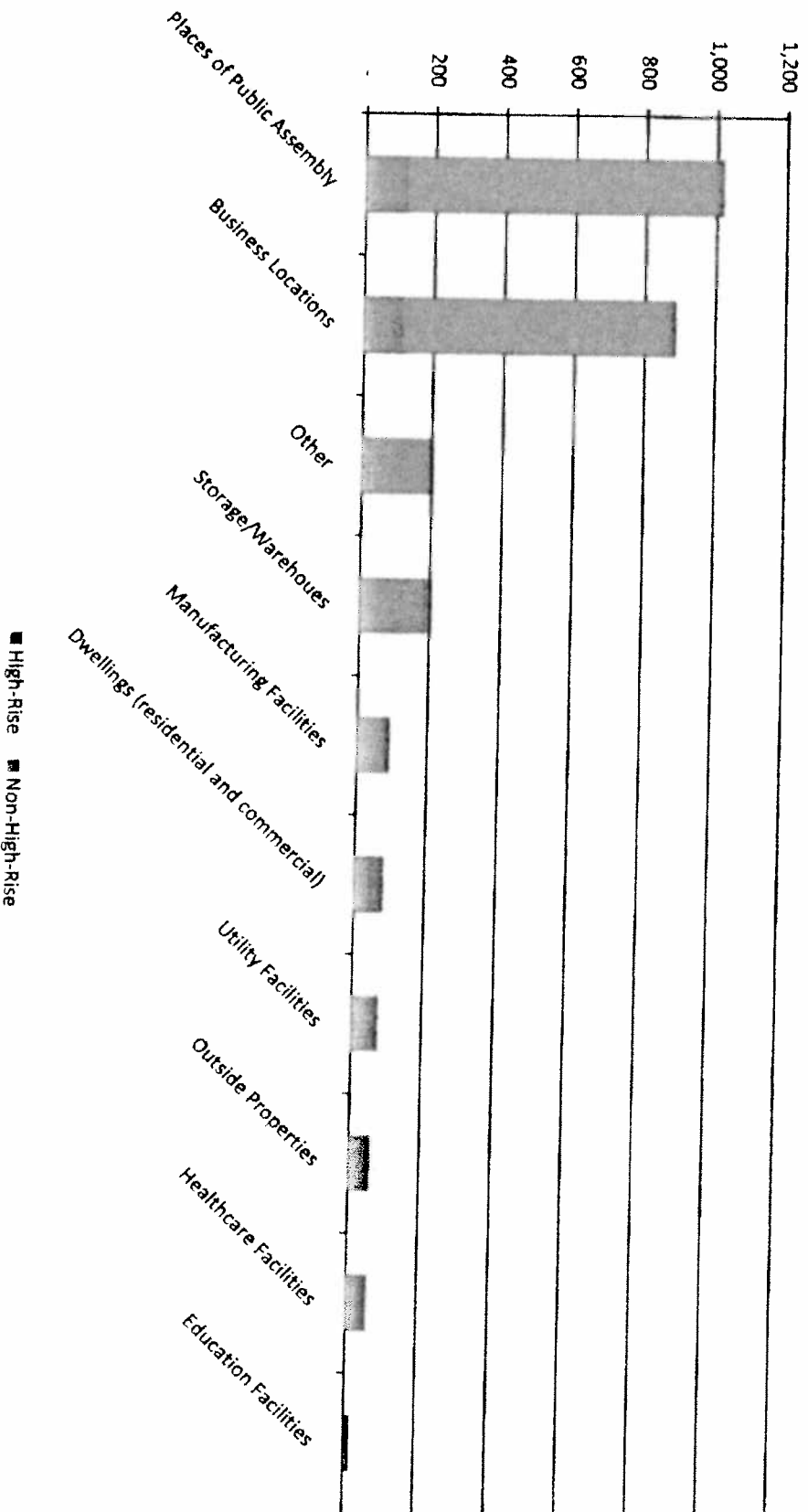
FLAMMABLE LIQUID -TANK STORAGE	
# of permits at capacity	269
% over capacity	75%
# of permits qualified for new fee	202
current max fee	\$ 132
incremental fee per unit	\$ 652
total incremental revenue	\$ 131,445
Total permit fee increase	

Note: Assumed only 75% of current permits at max fee would need additional capacity; incremental fee per unit estimated with a sample of permit records
Source: 2009 Permit Record



Inspections unit conducted 2,673 non-exempt initial inspections in 2009

of initial inspections by Fixed Property Use (K, 2009)



Source: 2009 Inspections Record

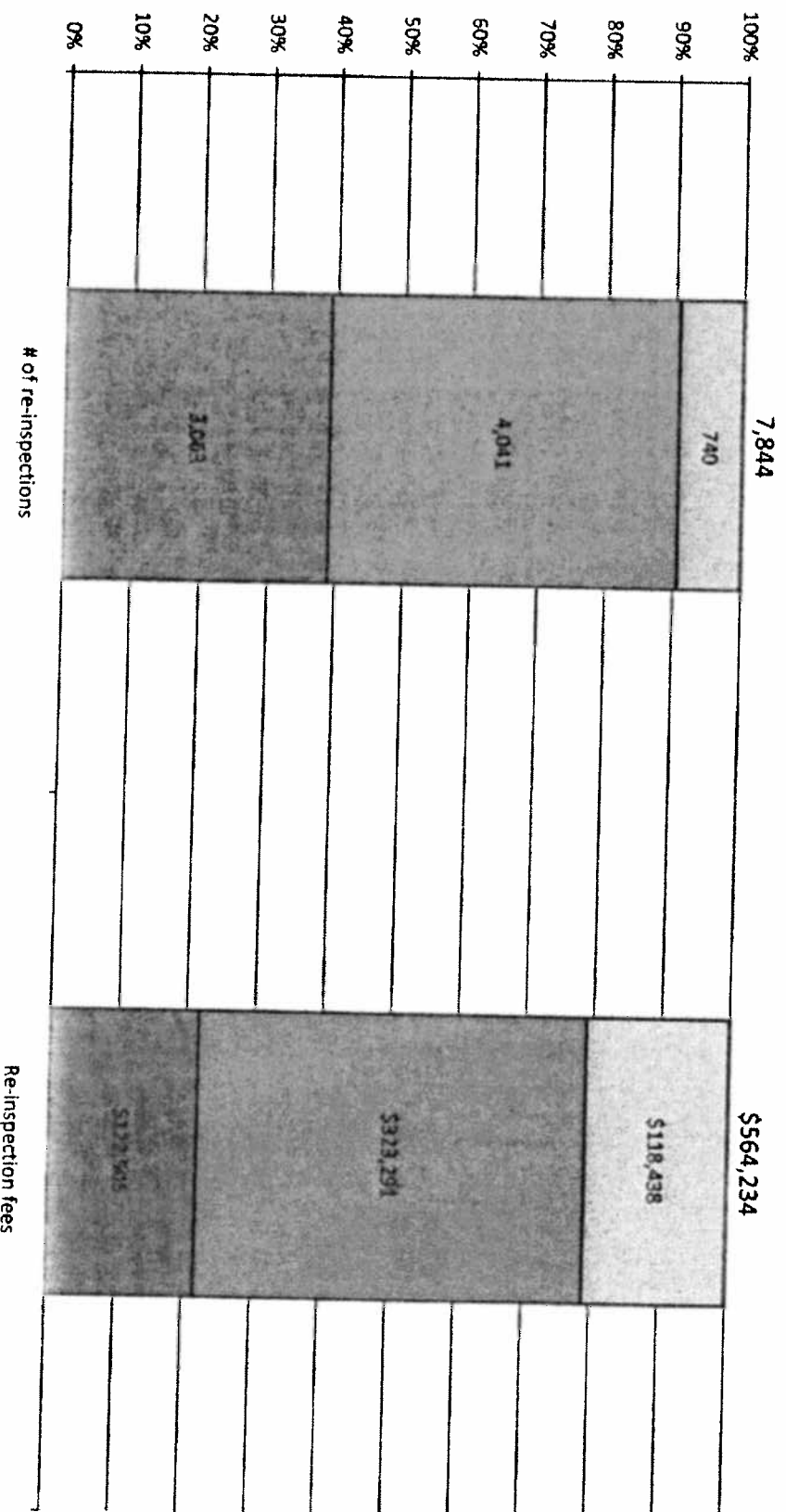


Imposing initial inspection fee based on Fixed Property Use generates \$275K

Inspection fee schedule by fixed property use		High-Rise		Non-High-Rise	
Business Locations	\$	480	\$	60	
Dwellings (residential and commercial)	\$	400	\$	60	
Education Facilities	\$	-	\$	120	
Healthcare Facilities	\$	320	\$	180	
Manufacturing Facilities	\$	-	\$	180	
Other	\$	60	\$	60	
Outside Properties	\$	-	\$	60	
Places of Public Assembly	\$	80	\$	80	
Storage/Warehouses	\$	100	\$	100	
Utility Facilities	\$	80	\$	80	

Imposing re-inspection fees based on count of violations generates \$582-564K

Re-inspection and proposed fees by # of violations per re-inspection



Note: Does not include inspections at the airport or evening safety observations
Source: 2009 Inspections Record

Re-inspection fee schedule

# of violations	# of re-inspections in 2009	Re-inspection fee
1 violation	3,063	\$40
1 to 5 violations	4,041	\$80
more than 5 violations	740	\$160

Charging \$71 per hour for inspections closes the gap between budget and revenue anticipation

	Hourly rate = \$40	Hourly rate = \$50	Hourly rate = \$60	Hourly rate = \$71
Current fees:	\$218,021	\$218,021	\$218,021	\$218,021
Increase in permit fees:	\$145,056	\$145,056	\$145,056	\$145,056
Impose initial inspection fees:	\$ 74,994	\$343,743	\$412,491	\$490,177
Impose re-inspection fees:	\$ 564,234	\$705,293	\$846,351	\$1,005,748
Total anticipated revenue:	\$ 1,202,305	\$1,412,112	\$1,621,919	\$1,859,002

Total budget **\$1,860,778**

Appendix: hourly rate calculation

Internal and External Overhead Charges

Internal Charges

	<u>No.</u>	<u>Mid-range</u>
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35

Total	19	\$45.10
-------	----	---------

Average hourly rate $45.10/2 = 22.55$

Total hourly expense including benefits - $22.55 \times (1+59.33\%) = 35.93$

External Charges

Budget Related Items Total -

$$78549(\text{Budget Items})/19 (\text{Inspectors}) = 4134.16$$
$$4134.16/252 \text{ (Days/per year)} = 16.40$$
$$16.40/8 \text{ (hourly)} = 2.05$$

Grand Total = $35.93 + 2.05 = 37.98$ or \$38 per hour



**GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Variance		
Administrative Variance Application		\$100
Revision		
Fire Permit Plan Revision		\$50
Certificates		
Certificate of Occupancy (C.O.)	Tenant Buildings	align="center">\$100
	Tenant Interior Space Alterations	
	Tenant Change	
Certificate of Completion (C.C.)	Shell Building	align="center">\$50
	Spec Space	
Temporary Certificate of Occupancy (T.C.O.)		\$50
Burn Permit		
Burn Permit		\$500
Site		
Site Plan Review		\$100
Shell Fire Permit		
Shell Building (Sprinklered)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 30,000 sq. ft.	\$300
	30,001 - 100,000 sq. ft.	\$0.015 per square foot
	Greater than 100,000 sq. ft.	\$0.020 per square foot
Shell Building (NonSprinklered)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 30,000 sq. ft.	\$450
	30,001 - 100,000 sq. ft.	\$0.023 per square foot
	Greater than 100,000 sq. ft.	\$0.030 per square foot
Interior Finish Fire Permit		
Assembly Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	Greater than 10,000 sq. ft.	\$250
Assembly Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	Greater than 10,000 sq. ft.	\$375
Business, Mercantile, DayCare & Educational Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	25,001 - 50,000 sq. ft.	\$300
	Greater than 50,000 sq. ft.	\$400
Business, Mercantile, DayCare & Educational Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	25,001 - 50,000 sq. ft.	\$450
	Greater than 50,000 sq. ft.	\$600



GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Interior Finish Fire Permit (continued)		
Industrial and Storage Occupancy (Sprinklered Building)	Up to 30,000 square feet (floor area)	\$200
	30,001 - 50,000 sq. ft.	\$300
	50,001 - 100,000 sq. ft.	\$350
	Greater than 100,000 sq. ft.	\$400
Industrial and Storage Occupancy (NonSprinklered Building)	Up to 30,000 square feet (floor area)	\$300
	30,001 - 50,000 sq. ft.	\$450
	50,001 - 100,000 sq. ft.	\$525
	Greater than 100,000 sq. ft.	\$600
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	Greater than 25,000 sq. ft.	\$300
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	Greater than 25,000 sq. ft.	\$450
Supplemental Fire Permit		
NonHigh-Rise, Multi-Storied Buildings - All Occupancies	Sprinklered Building	\$32.00 per floor level
	NonSprinklered Building	\$48.00 per floor level
High-Rise Buildings - All Occupancies		\$1,280
Specialty Fire Permit		
Hazardous Materials-quantities over the exempt amounts		\$64.00
Commercial Kitchen Hood/Duct		\$100.00 per hood
Specialized Fire Extinguishing Systems including FM-200, Intergen, Halon, Carbon Dioxide, Dry Chemical, Water-Foam, and Water-Mist	0 - 10 Devices	\$128
	11 - 25 Devices	\$256
	26 - 50 Devices	\$384
	More than 50 Devices	\$512



WINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Specialty Fire Permit (continued)		
New Fire Sprinkler System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Sprinkler System for Tenant Alterations/Additions	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256
Fire Standpipe System	Up to 4 Outlets	\$64
	Each Additional Group of 1-4 Outlets	\$32
New Fire Alarm and Detection System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Alarm and Detection System for Tenant Alterations/Additions	0 - 20 Devices	\$64
	21 - 50 Devices	\$128
	51 - 100 Devices	\$192
	More than 100 Devices	\$256
Fire Sprinkler Pump		\$64
Fireworks/Pyrotechnics		\$250 per event
Tents and Temporary Structures		\$50
Storage Racks	Up to 500 square feet (floor area)	\$0
	501 - 12,000 sq. ft.	\$100
	12,001 - 20,000 sq. ft.	\$150
	20,001 - 500,000 sq. ft.	\$200
	Greater than 500,000 sq. ft.	\$300
Storage Racks with In-Rack Sprinklers	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Public Safety & Legal Administration Committee

Caption:

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: April 27, 2010

Requesting Dept: The Department of Fire Rescue

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to increase its existing fees for fire inspections, fire plan reviews, and fire permits.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The department of Fire Rescue is requesting to amend Chapter 78, Article III Section 78-57, subsection (b) of the Code of Ordinances by increasing existing fees for fire inspections, fire permits, and fire plans review. The existing fees have not been modified in over 15 years and this legislation allows the City to align with existing cost for services.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA

(b) **Source Selection:** NA

(c) Bids/Proposals Due: NA

(d) Invitations Issued: NA

(e) Number of Bids: NA

(f) Proposals Received: NA

(g) Bidders/Proponents: NA

(h) Term of Contract: NA

4. Fund Account Center (*Ex. Name and number*): NA

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant* NA

6. Fiscal Impact: Shall increase and establish fees related to fire inspections, fire plan reviews, and fire permits.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Revenues generated from the collected fees under this legislation will be used to support the General Fund.

This Legislative Request Form Was Prepared By: Wilmond Meadows

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Legislative Counsel: s/Kristi D.A. Matthews

Contact Number: 404-330-6493

Originating Department: Department of Law

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: April 13, 2010

Anticipated Committee Meeting Date(s): April 27 and May 11, 2010

Anticipated Full Council Date: May 17, 2010

Commissioner Signature _____

Chief Procurement Officer Signature N/A

CAPTION

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Shall increase and establish fees related to fire inspection, fire plan review, and fire permits.

Mayor's Staff Only


Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 4.14.10 (date) Reviewed by: [Signature] (date)

Submitted to Council: _____ (date)

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

 10-0-0780

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-94 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM DISTANCE REQUIREMENTS FOR CERTAIN ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES ON PROPERTY REGISTERED ON THE NATIONAL REGISTER OF HISTORIC PLACES WHEN SUCH ESTABLISHMENTS MEET OTHER REQUIREMENTS; TO WAIVE THE PROVISIONS OF CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-66 (B) AS SUCH PROVISIONS APPLY TO THE RENOVATION OF AN ESTABLISHMENT ON PROPERTY REGISTERED ON THE NATIONAL REGISTER OF HISTORIC PLACES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the location of establishments which are licensed to sell alcoholic beverages for on premises consumption and which are licensed to brew malt beverages; and

WHEREAS, it is the policy of the City of Atlanta to encourage a sympathetic balance between old and new buildings to enhance Atlanta's urban environment and preservation of its physical heritage; and

WHEREAS, it is the policy of the City of Atlanta that the standing of this city as the capital of government, culture, business and education and as a major tourist and convention center must be maintained and enhanced by preserving the historical and architectural heritage of the city and by preventing the destruction of its cultural assets; and

WHEREAS, it is the policy of the City of Atlanta that the identification, protection, enhancement, perpetuation and use of buildings, sites and districts of special character or of a special historic or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety, education and general welfare of the people; and

WHEREAS, it is the policy of the City of Atlanta to effect and accomplish the protection, enhancement and perpetuation of historic buildings, sites and districts which represent or reflect special elements of the city's cultural, social, economic and architectural history; and

WHEREAS, it is the policy of the City of Atlanta to safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such buildings, sites and districts, to stabilize and improve property values in such buildings, sites and districts, to foster civic pride in the beauty and noble accomplishments of the past, to protect and enhance the city's attractions to

tourists and visitors and thereby support and stimulate business and industry, to strengthen the economy of the city, and to promote the use of such buildings, sites and districts for the education, pleasure and general welfare of the people of the city; and

WHEREAS, the National Park Service's National Register of Historic Places is authorized by the National Historic Preservation Act of 1966 and is a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources; and

WHEREAS, to be eligible for inclusion on the National Register of Historic Places, buildings and structures are evaluated for, without limitation, the quality of the buildings and structures and their significance in American history, architecture, archeology, engineering, and culture that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that are associated with events that have made a significant contribution to the broad patterns of United States history; or that are associated with the lives of significant persons in or past; or that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded or may be likely to yield, information important in history or prehistory; and

WHEREAS, a building or structure that is included on the National Register of Historic Places has the opportunity to qualify for and to receive Federal preservation incentives, such as Federal preservation grants for planning and rehabilitation, Federal investment tax credits and Federal preservation easements; and

WHEREAS, the Atlanta Urban Design Commission nominates and regulates buildings and districts which are designated as Historic Buildings or Sites, Landmark Buildings or Sites, Conservation Districts, Historic Districts, or Landmark Districts in the City of Atlanta, many of which are included on the National Register of Historic Places; and

WHEREAS, it is the intent of the City's Historic Preservation Ordinance that any changes which occur to a property which is designated as a Historic Building or Site, Landmark Building or Site, Conservation District, Historic District, or Landmark District in the City of Atlanta, be in keeping with the historic character of the building or district; and

WHEREAS, Section 10-88 of the City of Atlanta Code of Ordinances provides that establishments seeking a license from the City of Atlanta to sell alcoholic beverages must comply with certain specified distance requirements; and

WHEREAS, Section 10-94 (a) of the City of Atlanta Code of Ordinances provides certain exemptions to the distance requirements of Section 10-88 of the City of Atlanta Code of Ordinances; and

WHEREAS, the regulations regarding distance requirements to sell and serve alcoholic beverages may prohibit the preservation and renovation of some historic buildings to maintain their historic character but promote and convert their use to an economically feasible use that is compatible with the City of Atlanta's Comprehensive Development Plan; and

WHEREAS, the City of Atlanta desires to exempt certain historic buildings that are listed on the National Register of Historic Places that seek to be used as brewpubs, convention centers, bars or combinations thereof from some of the requirements of Section 10-88 of the City of Atlanta Code of Ordinances provided that such establishments restrict the times during which such establishments sell or serve alcoholic beverages; and

WHEREAS, Section 10-66 (b) of the City of Atlanta Code of Ordinances requires that the applicant for an alcohol license submit to the mayor approvals from the City of Atlanta Fire Department, City of Atlanta Bureau of Buildings and the local Department of Health within six (6) months of consideration of such applicant's alcohol license application by the City of Atlanta License Review Board, otherwise such alcohol license application will be denied; and

WHEREAS, in 1990 the City of Atlanta designated the building known as the "Kriegshaber House" located at 292 Moreland Ave., NE as a "Landmark Building;" and

WHEREAS, the "Kriegshaber House" located at 292 Moreland Ave., NE is listed on the National Register of Historic Places;" and

WHEREAS, the City of Atlanta recognizes that the time to preserve and renovate the "Kriegshaber House" from its existing condition to a brewpub, convention center, bar or combination thereof may exceed a period of six (6) consecutive months; and

WHEREAS, the City of Atlanta desires to permit the owner and future operator of a brewpub, convention center, bar or combination thereof at the "Kriegshaber House" to have more than six (6) months to preserve and renovate the "Kriegshaber House" to a brewpub, convention center, bar or combination without prejudicing its alcoholic beverage license applications; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. The provisions of Chapter 10, Article II, Division 2, Subdivision II, Section 10-94 (a) of the City of Atlanta Code of Ordinances be amended to insert new language which shall be designated as Subsection (7) so that Section 10-94 shall read in its entirety as follows:

Sec. 10-94. Certain areas exempt from distance restrictions for sale for consumption on premises.

(a) Any applicant for a license for the sale of alcoholic beverages for consumption on the premises located within the following area shall not be required to comply with the distance requirements set forth in section 10-88:

(1) Any property located on Peachtree Street or Road or any property located within a shopping center which has a frontage of at least 200 feet on Peachtree Street or Road.

- (2) Any property located on Stewart Avenue between Lakewood Freeway and I-85 or any property located within a shopping center which has a frontage of at least 200 feet on Stewart Avenue.
 - (3) Any shopping center located on the east side of Monroe Drive between Eighth Street and Virginia Avenue.
 - (4) Any property within Piedmont Park which has been leased by the city to an applicant for an initial term.
 - (5) Any room or area within the Loudermilk Building, which is bounded by Auburn Avenue on the north, Edgewood on the south, Courtland Street on the east, and Peachtree Park Avenue on the west, which is controlled by a bona-fide nonprofit organization.
 - (6) The Herndon Stadium, which is bounded by Martin Luther King, Jr. Drive on the south, Vine Street on the east, Rhode Street on the north and Sunset Street to the west, providing that such exemption shall be limited to use of Herndon Stadium by a duly incorporated division of a professional sports league in connection with official professional sporting events conducted by such league.
 - (7) Any brewpub, restaurant, convention center, bar or combination thereof located on the property registered in the National Register of Historic Places, provided that on Sunday through Thursday, such brewpub, restaurant, convention center, bar or combination thereof must cease all alcoholic beverage sales not later than 11:00 PM any evening that it is open for business and all patrons must have exited the business not later than 11:30 PM that evening, and further provided that on Friday and Saturday, such brewpub, restaurant, convention center, bar or combination thereof must cease all alcoholic beverage sales not later than midnight any Friday or Saturday evening that it is open for business and all patrons must have exited the business not later than 12:30 AM on the succeeding day.
- (b) Any applicant for a license for the sale of malt beverages or wine for consumption on the premises located within the following area shall not be required to comply with the distance requirements set forth in section 10-88:
- (1) Any property located in the Little 5 Points business district fronting on the east side of Moreland Avenue between Mansfield Avenue on the north and McLendon Avenue on the south and all properties fronting on the west side of Moreland Avenue between Mansfield Avenue on the north and McLendon Avenue on the south; any properties fronting on the south side of Euclid Avenue from 1097 on the west to 1189 on the east and all properties fronting on the north side of Euclid Avenue from 1118 on the west to 1190 on the east; any properties fronting on the east side of Seminole Avenue from 441 on the north to 420 on the south.
-

(2) Any property located in the east Atlanta business district fronting on the east side of Flat Shoals Avenue between McPherson Avenue on the north and May Avenue on the south and all properties fronting on the west side of Flat Shoals Avenue between McPherson Avenue on the north and 559 Flat Shoals Avenue on the south; any property fronting on the south side of Glenwood Avenue between 1323 Glenwood Avenue on the west and Brownwood Avenue on the east and all properties fronting on the north side of Glenwood Avenue between Haas Avenue on the west and 1246 Glenwood Avenue on the west.

(3) Any room or area within the Loudermilk Building, which is bounded by Auburn Avenue on the north, Edgewood on the south, Courtland Street on the east, and Peachtree Park Avenue on the west, which is controlled by a bona-fide nonprofit organization.

(c) This section shall not apply to applicants for alcoholic beverage licenses for adult entertainment establishments.

Section 2. The provisions of Chapter 10, Article II, Division 2, Subdivision I, Section 10-62 of the City of Atlanta Code of Ordinances be deleted in its entirety and replaced with a new Section 10-62 which shall read as follows:

Sec. 10-62. Supplemental requirements for sale of distilled spirits by the drink or for bottle house liquors for on-premises consumption.

No license for the sale of distilled spirits by the drink or for the operation of a bottle house shall issue to any applicant who does not meet the requirements of a restaurant, hotel, private club, lounge, nightclub, convention center, **bar, brewpub,** nonprofit performing arts theater, nonprofit museum, nonprofit zoological park, nonprofit botanical garden, auditorium, sports coliseum, suite hotel, open air cafe, government center, tasting room, sidewalk cafe, or continuing education center.

Section 3. The provisions of Chapter 10, Article II, Division 2, Subdivision I, Section 10-60 (a) be amended to insert new language which shall be designated as Subsection (a) (6) which shall read as follows:

(6) Brewpub with malt beverages, wine and distilled spirits for consumption on the premises: \$5,000.00

Section 4. The provisions of Chapter 10, Article II, Division 2, Subdivision 1, Section 10-66 (b) of the City of Atlanta Code of Ordinances are hereby waived in this instance only, for the sole purpose of allowing the property and structures located at 292 Moreland Avenue (the "Property") to be renovated as a brewpub, restaurant, convention center, bar or combination

thereof (the "Alcohol Business"), provided however that the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application or alcoholic beverage license applications for an Alcohol Business at the Property filed with the City of Atlanta Police Department, Licenses and Permits Unit during the period of May 15, 2010 through and including December 31, 2010 within 60 calendar days of receipt of a recommendation from the license review board as well as each of the following: 1) a letter issued by the Atlanta Department of Fire Rescue confirming that the proposed licensed premises meets the requirements of the City of Atlanta Fire Prevention Code, according to plans which were submitted to and approved by the City of Atlanta Fire Marshall; 2) a notice issued by the Board of Health or Health Department of the county in which the proposed licensed premises is located signifying the compliance of the proposed licensed premises with the rules of the Georgia Department of Human Resources; and 3) a letter issued by the City of Atlanta Department of Community Development, Bureau of Buildings setting forth that the proposed licensed premises at the Property has been approved to operate the proposed Alcohol Business. If the Mayor does not receive the documentation described in sections (1), (2), and (3) of this subsection within eighteen months of the Mayor's receipt of the recommendation from the license review board, the alcoholic beverage license application or alcoholic beverage license applications for an Alcohol Business at the Property shall expire without the necessity of any further action of the license review board, and no refund of any application fees shall be made to the applicant. Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant for an Alcohol Business at the Property shall be provided with a five-day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 60 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

Section 5. All code sections, ordinances, and parts of code sections and ordinances in conflict with Section 4 herein are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

Section 6. Should any provision of the City of Atlanta Code of Ordinances or part thereof be found to conflict with Sections 1, 2, 3 or 4 this ordinance or the provisions thereof, then those provisions contained herein shall be deemed controlling.

Entered – 11/25/09 - sb
CL- 09L0934 - Angelena Kelly

10- *R* -0855

Claim of: **Ron Tusio**
 4060 Peachtree Road, D – 170
 Atlanta, GA 30319

For damages alleged to have been sustained as a result of a
sewer back-up on November 10, 2009 at 1850 Memorial
Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY